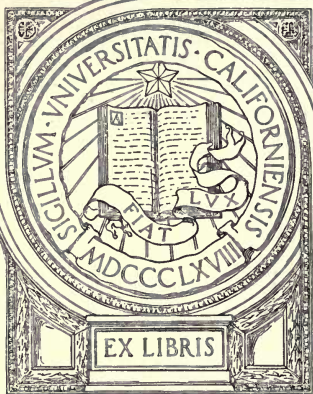


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DETECTION

Of the *Actions* of

M A R Y

QUEEN of SCOTS

CONCERNING

The MURDER of her HUSBAND, and
her Conspiracy, Adultery, and pretended Marriage with
Earl BOTHWEL;

AND

A Defence of the true LORDS, Maintainers of
the KING's Majesty's Action and Authority.

Written in Latin by G. BUCHANAN.

Translated into *English* by a PERSON of
HONOUR, of the Kingdom of *Scotland*.



Printed in the Year, 1721.

REPRODUCED FROM THE
ORIGINAL MANUSCRIPT



TO THE

READER.



I is to be confessed that in this History there is but a parcel, and it tells you but of one circumstance, yet gives light to a many considerable ones; which that the common Reader may the better draw out, I shall only briefly acquaint him that James the fifth, a cruel and vain-glorious Prince lost his two only Sons, (both in one week) a little before he was slain at Flodden-field, and so left no other Heir, but Mary, a Child of four days old, which he never had seen. This Child was accepted, and at five years of age (the Scots seeing they were likely to make better merchandize of her in France, than in England, tho' they then profer'd high) sent her into France, and at

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12 married her to the Dauphin, afterward Francis the first, who at two years left her a widow, and so she returned to Scotland, where she found her Mother weltring in her cruelties, (a Guise) and wasting and gathering with all her might. She being remov'd, the Queen came to be Master of herself, and soon after in a gaitty took Henry Lord Darley, Son to the Earl of Lennox, one of the goodliest Personages accounted of his time, to her Husband. But it seems her first flames being allayed, there was one David Rize either had been, or was grown more into favour, so that the King grew every day discountenanced; and whereas before in the Coins (as many of them I have seen, comparing the years) it was in the end of one year, Henricus & Maria, &c. It was in the beginning of the other, Maria & Henricus, &c. and instead of receiving the honour of a King, he was sent away from the Court without either train or necessaries. This with other informations of the Queens carriages, and the encouragement of some of the Nobility brought him back to Edinburgh, where finding David in the Queen's company, snatch'd him out of her presence (giving her some words of comfort and assurance, for she was then great with child) and with some of his Assistants sent him into another life.

This

To the Reader.

This Minion being gone, Bothwel came into favour, and that how swiftly and powerfully you may perceive by the Letters annexed to the Discourse. But her hate to her Husband was so exasperated, that both her and Bothwel's malice and wits, made his destruction their chief aim. Her carriage to him grew daily more and more strange, she augmented her neglect, in so much that at the christening of that Son, who was after a Plague to this Nation, he was not suffered to receive the least Honours or Addresses.

She being again at liberty then thought to bestir her self about the compassing of Revenge; Poison was attempted, but the strength of his youth overcame it; which the accursed Woman seeing, flattered him into agreement and presently lull'd him into credulity; so that he came again to Edenburgh, and was lodg'd in a little house near the Palace, but out of all hearing. Hither she brought her own rich Bed, and frequently visited him with all shews of affection. But one Sunday night, she discovered her self, and fetching a deep sigh; O, says she, This time twelvemonth was David Ræ slain! This it seems came from her heart; for within a few days, the unfortunate young man, as an Inferiæ to the Ghost of a Fidler, was strangled in his Bed, the

A 2

house

To the Reader.

house blown up, and his body thrown out into the garden, the Queen's rich bed being a day or two before remov'd.

Now was she at liberty for Bothwel, but there was one obstacle, he had a Wife already, but she poor woman must be forced to sue out a Divorce, which was procured in eight days. So that now the way was smooth, and an Ambassadour with fine penn'd instructions sent to the King of France, to give an account of her new Marriage. [But all this could not still the cries of the People, whose impatience, grief, and rage at that time (particulars whereof I have seen in an authentick Scotch diurnal of that date)] was such, that Bothwel was forced to suborn some People to accuse him; but he having Creatures enough, few daring to witness, and many Judges of his Party, was acquitted. But at last the honest part of the Nobility, sensible of those miscarriages, made a head, broke Bothwel's Forces, and put him to flight, took her Prisoner, and made her resign up the Government to her Son, (all this before the said Ambassadour who was sent into France, had his first Audience) then a child in the Cradle, known afterwards by the name of James the sixth; who though he were accounted a wise man, should be accounted with me much wiser if he had known his own Father: For here
in

To the Reader.

in less than a year and an half's space, (no longer was all this in transacting) there were three known Favourites, Rize, Darley, and Bothwel; and which of these might have hit luckiest may be well doubted, if (as I have heard some Scots lowdly aver) the Child itself were not supposititious.

This is as much as I can say will give light to the Book that follows. 'Twas written by the most excellent Pen of that Age, a man as Sir Philip Sidney justly calls him, of a piercing wit, consummate learning, and careful observation of things, which made him known to the greatest Princes of his time, and dear to his own. This made him School-master to his King, who imploy'd him in the weightiest Transactions at home and abroad, made him Keeper of the Privy Seal of Scotland (though he never sought himself, nor could withdraw from the ancient parsimony and frugality, he dying very poor.) So that it is not to be supposed that a Person so well qualified for knowledge in these things, and of a Reputation so untouched, would have adventured to divulge matters of this nature in a place, where most men might have called him Lyar. But certainly both in his History, which he dedicated to the Son, and in this Piece, which he penned in the name of the Lords, if there were any fault, it was too broad. And
though

To the Reader.

though worthy Master Cambrden, in his Annals tells us, He wished he might have wiped out all that he had writ against Mary Queen of Scots with his blood, yet when I consider the times he writ in, and the general silence of it among the Scots, and the disgrace that Buchanan died in when King James came to maturity; methinks I cannot give so much credit in this to that famous Historian as in other things, though he might mendacium dicere, not mentiri.

And though Caussin in his holy Court, make her a Heroine, nay, a Saint; and Strada in his De Bello Belgico, digresses to celebrate her with immoderate praises, yet certainly any man, that would guide his historical faith aright, will much rather chose to believe men either Actors in business, or neighbours to it, and such as receive assurance from their eyes, than men that are remote, and such as are necessitated to see through the false or broken light of information; especially persons hid in cells, and excluded from business, absolutely devoted to a religion, to which she was an Appuy, absolute Enemy to that Power, under which she received just sentence and execution. To say nothing that Religions, especially those that seek to grow into the repute of the world by carnal ways, think themselves highly advanced by a long Bead-roll of Martyrs,
be

To the Reader.

be their pretences never so slight, or their persons themselves never so much deserving an Anathema.

And thus much I think may serve to shew that all Blood-Royal is not unmingled, and that they that tie such positive devotion to succession, do it not upon such grounds, but that they may justly fear, that many times they adore a Perkin-Warbeck instead of a Duke of York, and sacrifice to a gilded idol instead of one of massy gold. For certainly, for a man to pin his faith upon any that may be dubious, is such a crasiness in the understanding, as will bring all inconveniences either upon his reasoning or civil happiness.

Farewell.



THE



A

DETECTION

OF THE

ACTIONS

OF

MARY Queen of SCOTS.



HEREAS of things judicially determined within a dominion, to have an account demanded by strangers, is, to such as are not subject to foreign jurisdiction, both strange, and also for the strangeness displeasing. To us, above all other, it ought to be most grievous, who are driven to this strait of necessity, that
B whose

whose faults we desire to cover, their lives we are forced to accuse, unless we ourselves will be accounted the most wicked persons that live. But a great part of this grief is relieved by your equity (most excellent Queen!) who take it no less displeasantly to see your kinswoman, than we to see our Queen thus in speech of all men to be so dishonourably reported of; who also are for your part no less desirous to understand the truth, than we for ours to avoid slander. Therefore we will knit up the matter as briefly as possibly may be, and declare it with such shortness, as we may rather seem to have lightly run over the chief points, than to have largely expressed them, beginning at the Queen's first inconstancy. For as in making of her marriage, her lightness was very headlong and rash, so suddainly follow'd either inward repentance, or at least outward tokens of change of her affection, without any causes appearing. For whereas the King in former time was not only neglected, but also unworthily used, at length began open hatred to break out against him, especially in that winter, when he went to *Peble* with a small train, even too mean for a private man, not being sent thither a hawking, but commanded away into a corner, far from counsel, or knowledge of publick affairs. Neither is it necessary to put in writing those things, which as they were then as a spectacle noted of all

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men's eyes; so now, as a fresh image, they remain imprinted in all men's hearts. And though this were the beginning of all the evils that follow'd, yet at the first their practices were secret, so as not only the common people, but also such as were right familiar and present at the doing of many matters, could not understand throughly, what thing the Queen then chiefly intended.

At the last, about the month of *April*, in the year 1566, when the Queen was returned from *Dunbar* to *Edinburgh*, and was lodged in the castle, she kept there till the time of her travail of child. After her deliverance, immediately the secret counsels of the intended mischief began to break out, the effect whereof was this, To dispatch away the King by one means or other howsoever, and to marry with *Bothwell*: And, that herself should not be touched with suspicion of the murder, she began secretly, by little and little, to sow seeds of dissension between the King and the Lords that were then at Court, still more and more inflaming them, to bring the matter to deadly feud. And if at any time she espied the suspicions of the one against the other to languish, immediately, with new reports to both parts, she whetted them on again to fresh displeasures, persuading the Nobility against the King, and the King against the Nobility, that each intended others destru-

tion. And she thought nothing so long as to see the matter come to strokes, not caring whether of them obtain'd the victory; for she accounted the loss on either side for her advantage, as hoping thereby to advance forward one degree nearer to that which she intended. Finally, In short time she so filled their hearts with mutual jealousies one against another, that there was not a man of any reputation in the Court, but was driven to this necessity, either with dishonour to yield to rumours feigned against him, or to enter into combat with the reporters, or to withdraw him home. And though we shall pass over the rest, having desire to haste to the chief point of the matter, yet this one notable slanderous practice at that time, is not to be omitted: For on a time when the King had been in talk with the Queen, till the night was far spent, the sum, in a manner, of all her communication was, that almost all the Nobility had conspired his death, and were devising how to dispatch him. After the King's departure from her, she sent forthwith for the Earl of Murray her brother, who after was Regent, with this message, That the matter was heinous, and necessarily requiring his presence without delay. He being awak'd out of sound sleep, in great fear, cast a night-gown over his shirt, and as he was, half-naked, ran to her in haste. To him she used even the like talk as she had then before

before to the King, informing him, That the King boiled in such deadly hatred against him, and took it so displeasingly that he stood so highly in her grace, that he was fully determined, so soon as any possible opportunity served, to murder him. So, as much as in her lay, she left no means unassay'd to set them together by the ears; and, without all doubt, had done it indeed, if it had not been God's good pleasure to deliver the innocent persons from so perillous treasons, and to disclose her wicked treachery.

WHEN this attempt failed her, she assay'd the young and unexperienced Gentleman with a new subtil practice. She earnestly laboured with him, that while she was great with child, he should chuse him some young Gentlewoman, whereof there was great store, whose company he might use in the mean time. She promised him her assent and furtherance, with pardon and leave to commit the offence. [She named to him the Earl of Murray's wife; not for that she esteemed that most noble Lady most apt for such a villany, but because she thought by that way to be revenged of three enemies at once, the King, the Earl, and his wife, and therewithal to win a colour and cause of divorce, to make empty bed-room for Bothwel.] After she was deliver'd of child, though she courteously entertained all others,

*The Queen offereth
to be Barwd to her
own Husband.*

yet as oft as word was brought her that the King was come to see her, both she and her company so framed their speech and countenance, as if they seemed to fear nothing more than that the King should not perceive that they loath'd him, and that his coming and presence was displeasing to them all. On the other side, *Bothwel* alone was all in all; he alone was governour of all her counsels, and all her affairs: [And so desirous was the Queen to have her hearty affection towards him understood of all men, that if any suit were to be made towards her, there was no way of speeding for any man, but by *Bothwel*, to obtain it.]

N O T long after her deliverance, on a day very early, accompanied with very few that were privy of her counsel, she went down to the water-side, at the place called the *New Haven*; and while all marvelled whither she went in such haste, she suddenly entered into a ship there prepared for her: which ship was provided by *William Blacater*, *Edmond Blacater*, *Leonard Robertson*, and *Thomas Dickson*, *Bothwel's* servants, and famous robbers and pyrates. With this train of thieves, all honest men wondering at it, she betook herself to sea, taking not any other with her, no not of her gentlemen, nor necessary attendants for common honesty. In *Aloe-Castle*, where the ship arrived, how she behaved herself, [I had rather every man should with himself imagine it, than hear me declare it.]

it. This one thing I dare affirm, that in all her words and doings, she never kept any regard, I will not say of Queen-like majesty, but not of Matron-like modesty. The King, when he heard of this sudden departure of the Queen, followed her with all the haste that he possibly could by land, and there overtook her, in purpose and hoping there to be in her company, and to enjoy the mutual loving fellowship of marriage. But how lovingly he was received of her, both all they that were present, and such as have heard them report it, can well remember: For being scarcely suffered to tarry there a few hours, while his men and horses baited, he was enforced to get him away in haste again, on pain of further peril. As for herself, she pastimed there certain days, if not in princely magnificence, yet in more than princely, or rather unprincely licentiousness. There went she a hunting, once at the river of *Magat*, another time at the forest of *Glenartus*. There how coily, yea how loftily and disdainfully she behaved herself to the King, what need it be rehearsed, for the thing was openly done in all men's sight, and continueth inprinted in all men's memories.

WHEN she was return'd to *Edinburgh*, she took not her lodging in her own palace, but in a private house next adjoyning to *John Balfours*. Thence she removed into another house, where the yearly Court, which

they call the Exchequer, was then kept: For this house was larger, and had pleasant gardens to it, and next to the garden, all along, a solitary vacant room. But there was another matter which, more than all these things, specially allured her thither. [There dwelt hard by, one *David Chambers*, *Bothwel's* servant, whose back-door adjoyn'd to the garden of the Queen's lodging. The rest, who guesseth not? for the Queen herself confessed the matter, both to many others, and also, namely, to the Regent and his mother. But she laid all the blame upon my Lady *Reresfe*, a woman of most vile unchastity, who had sometime been one of *Bothwel's* harlots, and then was one of the chief of the Queen's privy-chamber. By this woman, who now in her age had, from the gain of whoredom, betaken herself to the craft of bawdry, was the Queen, as herself said, betray'd: For *Bothwel* was brought through the garden into the Queen's chamber, and there forced her against her will forsooth. But how much against her will, Dame *Reresfe* betrayed her, time, the mother of truth, hath disclos'd; for within few Days after, the Queen intending, as I suppose, to requite force with force, and to ravish him again, sent Dame *Reresfe* (who had herself also before made trial of the man's strength) to bring him captive unto her highness. The Queen, with *Margaret Carwood*, a woman

privy

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privy to all her secrets, did let her down by a string over an old wall into the next garden. But in such warlike affairs, all things cannot ever be so well foreseen, but that some incommodious chance may overthwartly happen: Behold, the string suddenly broke, and down with a great noise fell Dame *Rerefe*, a woman very heavy, both by unweildy age, and massy substance. But she, an old beaten soldier, nothing dismay'd with the darkness of the night, the height of the wall, nor with the suddenness of the fall, up she getteth, and running to *Bothwel's* chamber, she gate the door open, and out of his bed, even out of his wife's arms, half asleep, half naked, she forceably brings the man to the Queen. This manner and circumstances of the deed, not only the most part of them that then were with the Queen have confessed, but also *George Daglish*, *Bothwel's* chamberlain, a little before he was executed, plainly declared the same, which his confession still remaineth upon record.

—IN the mean time, the King being commanded out of sight, and with injuries and miseries banish'd from her, kept himself close, with a few of his servants, at *Sterlin*. For, alas! what should he else do? He could not creep into any piece of grace with the Queen, nor could get so much as to maintain his daily necessary expences to main-
tain

tain his few servants and horses; and finally, with brawlings, lightly arising from every small trifle, and by quarrels, usually pick'd, he was chased out of her presence. Yet his heart, obstinately fixed in loving her, could not be restrained, but he must needs come back to *Edinburgh*, on purpose, with all kind of serviceable humbleness, to get some entry into her former favour, and to recover the kind society of marriage.] Who once again being with most dishonourable disdain excluded, returned from whence he came, there to bewail his woful miseries, as in a solitary desert.

WITHIN few days after, when the Queen determined to go to *Fedworth*, to the Assizes there to be holden, about the beginning of *October*, *Bothwel* maketh his journey into *Liddesdale*. There behaving himself neither according to the place whereto he was called, nor according to his Nobility of race and estimation, he was wounded by a poor thief, that was himself ready to die, and carried into the Castle called the *Hermitage*, with great uncertainty of his recovery. When news hereof was brought to *Borthwick* to the Queen, she flingeth away in haste like a mad woman, by great journeys in post, in the sharp time of winter, first to *Melrose*, and then to *Fedworth*. There, though she heard sure news of his life, yet her affection, impatient of delay, could

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could not temper itself, but needs she must bewray her outrageous lust, and in an inconvenient time of the year, despising all discommodities of the way and weather, and all dangers of thieves, she betook herself headlong to her journey, with such a company as no man of any honest degree would have adventured his life and his goods among them. Thence she returned again to *Jedworth*, and with most earnest care and diligence, provideth and prepareth all things to remove *Bothwel* thither. When he was once brought thither, their company and familiar haunt together, was such as was smally agreeing with both their honours. There, whether it were by their nightly and daily travels, dishonourable to themselves, and infamous among the people, or by some secret providence of God, the Queen fell into such a sore and dangerous sickness, that scarcely there remained any hope of her life.

WHEN the King heard thereof, he hasted in post to *Jedworth*, to visit the Queen, to comfort her in her weakness, and by all the gentle services that he possibly could, to declare his affection and hearty desire to do her pleasure: So far was it off, that his lodging, and things necessary, were provided for him against his coming (as were wont to be for mean persons) that he found not any one token toward him of a friendly,

ly mind. But this was a point of most barbarous inhumanity used against him, that the Nobility, and all the Officers of the court, that were present, were specially forbidden to do him any reverence at all at his coming, nor to yield him their lodging, nor to harbour him so much as for one night. And whereas the Queen suspected that the Earl of *Murray*, which afterward was Regent, would shew him courtesie, she practised with his wife to go home in haste, and feign herself sick, and keep her bed, that at least by this colour, under pretence of her sickness, the King might be shut out of doors. Being thus denied all duties or civil kindness, the next day, with great grief of heart, he returned to his old solitary corner. In the mean time, while the King in that want of all things, and forsaken of all friends, scarce with begging findeth room in a cottage, *Bothwel*, out of the house where he was lodged before, as it were in triumph over the King, was gloriously removed, in sight of the people, into the Queen's own lodging, and there laid in a lower parlour, directly under the chamber where the Queen herself lay sick. There, while they both were yet feeble and unhealed, she of her disease, and he of his wound, the Queen being very weak of her body, yet visited him daily. And when they were both a little recovered, and their strengths not yet
fully

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fully settled, they returned to their old pastime again, and that so openly, as they seemed to fear nothing more, than lest their wickedness should be unknown.

ABOUT the 5th day of *November*, being removed from *Fedworth* to a town called *Calco*, there she received letters from the King: Which when she had read in presence of the Regent, the Earl of *Huntley*, and the Secretary, she cast a pitious look, and miserably tormented herself, as if she would have immediately fallen down again into her former sickness; and she plainly and expressly protested, that unless she might, by some means or other, be dispatched of the King, she should never have one good day: And if by no other way she could attain it, rather than she would abide to live in such sorrow, she would slay herself.

WITHIN few days after, while in her return through *Marchland* she lay at *Coldingham*, Dame *Rerefe* passed through the watch, and was known, and let go. What company she had, and whither she went at that time of the night, it was not unknown to the Queen. From thence, about the end of *November*, she came to *Cragmiller*, a castle about two miles from *Edinburgh*, there, in presence of the Earl of *Murray* (who afterward was regent, and now is himself also slain) and of the Earls of *Huntley* and *Argyle*, and the secretary, she fell into her said former discourse, and

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and also added the most commodious way, as she thought, how it might be brought to pass, that is, to sue a divorce against the King.] And she doubted not but that it might be easily obtained, forasmuch as they were the one to the other in such degree

of consanguinity, as by the *Cousin Germanes.* Popes law might not marry

together, especially (which was easy for her to do) the Bull being conveyed away, whereby the same law was dispensed with. Here when one had cast a doubt, that if she should go that way to work, their Son should be made a bastard, being born out of lawful wedlock, especially, sith neither of his parents were ignorant of the causes whereby the marriage should be void. When she had tossed this answer a while in her mind, and knew that he said truth, and that she durst not as yet disclose her purpose to make away her Son, she gave over that devise of divorce, and yet from that day forward, she never ceased to pursue her intention of murdering the King, as may easily be perceived by that which followed.

THE King being returned from *Sterline* to *Cragmillar*, when he hoped to have found her more gentle toward him, and her displeasure by process of time somewhat appeased, he so found no token of change of her affection, that he was not allowed any thing for his

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his daily sustenance, unless he kept him still at *Sterline*. Which thing exceedingly increased the peoples suspicion, otherwise of it self already enough inclined to that judgment, of the unchast company of the Queen with *Bothwel*.

ABOUT the beginning of *December*, when there were Embassadours came out of *France* and *England*, to the christning of the King that now is: [That *Bothwel* might be seen gorgeously arrayed among the Nobility, she her self laid out the money to buy him apparel,] and some she bought her self of the Merchants for him, and she so applied her self, with such diligence in overseeing the making thereof, as if she had been, I will not say his Wife, but even his servant. In the mean time, her lawful Husband, at the christning of his own child, not only wanted all her maintenance for his necessary expences, but also was commanded not once to come in the Embassadours sight; his ordinary servants were removed from him; the Nobility were enjoined not once to attend on him, nor to do him honour, nor in a manner to know him: The foreign Embassadours were warned not to talk with him, when as the most part of the day they were in the castle where he was.]

THE young gentleman, thus contemptuously and unkindly used, fell in such despair, that he departed from *Sterline* and went to
Glasgow

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Glasgow to his Father. At his departure, the Queen still pursued him with her wonted hatred. All his silver plate, wherewith he was served from his marriage till that day, she took it away every whit, and appointed pewter in the stead thereof. But let this serve only to prove her contempt of him: The rest that followed are evident arguments of outragi-ous cruelty and unappeasable hatred. Before he had passed a mile from *Sterline*, all the parts of his body were taken with such a sore ach, as it might easily appear, that the same proceeded not of the force of any sickness, but by plain treachery. The tokens of which treachery, certain black pimples, so soon as he was come to *Glasgow*, brake out over all his whole body, with so great ach and such pain throughout all his limbs, that he lingered out his life with very small hope of escape: And yet all this while, the Queen would not suffer so much as a Physician once to come at him.

AFTER the ceremonies of the Christening ended, she practised with her Brother the Earl of *Murray*, that when he should go to conduct the Earl of *Bedford*, the Queen of *Englands* Ambassadour to *St. Andrewes*, he should require *Bothwel* also to bear him company: Who, indeed, freely promised so to do; howbeit, both he and the Queen, the deviser of that dissimulation, thought nothing less, as the success shewed. For so
soon

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soon as the King was gone to *Glasgow*, and the rest towards *St. Andrewes*, she with her *Bothwel*, got her to *Drumen*, and from thence to *Tylebarn*. In which houses, they so passed the time about eight days, in every corner, and in familiar haunting together, as all (saving themselves alone, that had thrown away all shame) were highly offended with their contempt and vile regard of publick fame, seeing them now not once to seek to cover their filthy wickedness.

WHEN about the beginning of *January*, they were returned to *Sterline*, she began to find fault with the house wherein her son was nursed, as incommodious, because it stood in a cold and moist place, dangerous for bringing the Child to a rheume. [But it shall easily appear, that this was done for other purpose, forasmuch as all these faults, that she pretended were not in that house, but were indeed in the other house to which the Child was removed, being set in a low place, being a very Marsh.] The Child being scarcely above six Months old, in the deep of a sharp winter, was conveyed to *Edenburgh*. There, because the first attempt prevailed not, and the force of the poyson was overcome by strength of nature, that at length yet she might bring forth that wherewith she had so long travailed, she entreth into new devises for the murder of the King.]

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HER self goeth to *Glasgow*, she pretendeth the cause of her journey to be to see the King alive, whose death she had continually gaped for the whole moneth before. But what was indeed the true cause of that journey, each man may plainly perceive by her letters to *Bothwel*. Being now out of care of her Son, whom she had in her own ward, bending her self to the slaughter of her Husband, to *Glasgow* she goeth, accompanied with the *Hameltons*, and other the Kings natural enemies.

Bothwel (as it was agreed on between them before) provideth all things ready, that were needful to accomplish that hainous act; first of all, a house not commodious for a sick man, nor comely for a King, for it was both torn and ruinous, and had stood empty without any dweller for divers years before: In a place of small resort, between the old fallen walls of two churches, near a few almshouses for poor beggars. And that no commodious means for committing that mischief might be wanting, there was a postern door in the town-wall hard by the house, whereby they easily might pass away into the fields. In chusing of the place, she would needs have it thought, that they had respect to the wholesomeness thereof. And to avoid suspicion, that this was a feigned pretence, her self the two nights next before the day of the murder, lay there in a lower room under the
King's

MARY Queen of Scots. 19

King's chamber. And as she did curiously put off the shews of suspicion from her self, so the execution of the slaughter, she was content to have committed to others.

ABOUT three days before the King was slain, she practised to set her brother *Robert*, and him at deadly enmity, making account, that it should be gain to her, which soever of them both had perished. For matter to ground their dissention, she made rehearsal of the Speech the King had, had with her, that concerning her Brother. And when they both so grew in talk, as the one seemed to charge the other with the lye, at last they were in a manner come from words to blows. But while they were both laying their hands on their weapons, the Queen feigning as though she had been marvelously afraid of that which she so earnestly desired, calleth the Earl of *Murray* her other Brother to the parting, to this intent, that she might either presently bring him in danger to be slain himself, or in time to come, to bear the blame of such mischief as then might have happened. When this way the success fell not out as she desired, she devised a new way to transfer the suspicion from her self. While the Earl of *Murray* did willingly keep himself from the court, and had reasonable excuse for his absence, for that his wife being near her time, was besides that always very sick: At the same time there was an Ambassador come

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from the Duke of *Savoy*. This the Queen took for a convenient colour to send for her brother: But the true cause of her sending for him was, that she had a desire to throw the suspicion of the King's murder upon him, and upon the Earl *Moreton*, and therewithal also at once to procure the destruction of those two, being men acceptable to the peril, and likewise adversaries to her practice, who intended to set up a tyrannical Government: But Gods good clemency that had oft before delivered the Earl of *Murray* from many treasons of his enemies, did then also manifestly succour him: For upon the Sunday, which was the ninth day of *February*, when he was going to Church, to hear a Sermon, a Letter was brought him, that his Wife was delivered before her time, and in very small hope of life. When he, being dismayed at this sudden news, desired leave of the Queen to depart; she answered, That if the cause were so, it were a superfluous journey for him to go to her, being not able to do her any good in her sickness. But he being still the more importunate, she prayed him, That he would yet tarry but that one night, and take his journey the next day to his wife. But the mercy of God now, as at many other times, did deliver that innocent Gentleman from the present peril, and also took away the occasion of slander against him for the time to come. Howbeit for all this, though there were no
cause

cause of suspicion, yet he escaped not free from slander: For *Huntley* and *Bothwel*, though they could not justly charge him, yet laboured by infamous libels, which they spread abroad, to distein him with the most foul spot of that shameful act. And whereas the murder was committed after midnight, they had before day-light caused (by special fore-appointed messengers) rumours to be spread in *England*, that the Earls of *Murray* and *Moreton* were actors of that slaughter. But that rumour, so soon as the light of the truth once brake forth, suddenly vanished away, as other falsehoods are commonly wont to do.

WHEN all things were ready prepared for performing this cruel fact, and yet all occasions cut off to divert the blame thereof, the partners of the conspiracy, fearing lest long delay should either bring some impediment to their purpose, or disclose their counsels, determined to dispatch it in all haste. The Queen therefore for manners sake after supper, goeth up to the King's lodging. There, being determined to shew him all the tokens of reconciled good will, she spent certain hours in his company, with countenance and talk much more familiar than she had used in six or seven Months before. At the coming in of *Paris*, she broke off her talk, and prepared to depart. This *Paris* was a young man born in *France*, and had lived certain

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years

years in the houses of *Bothwel*, and *Seton*, and afterward with the Queen. Whereas the other keys of that lodging were in custody of the King's servants; *Paris* by feigning certain fond and slender causes, had in keeping the keys, which *Bothwel* kept back, of the back gate and the postern. He was in special trust with *Bothwel* and the Queen, touching their secret affairs. His coming (as it was before agreed among them) was a watch-word, that all was ready for the matter. As soon as the Queen saw him, she rose up immediately, and feigning another cause to depart, she said, alas? I have much offended toward *Sebastian* this day, that I appeared not in a mask at his Marriage. This *Sebastian* was an *Arvernois*, a man in great favour with the Queen for his cunning in Musick, and his merry jesting, and was married the same day. The King thus left, in a manner, alone in a desolate place, the Queen departeth, accompanied with the Earls of *Argyle*, *Huntley*, and *Cassilis*, that attended upon her. After that she was come into her chamber after midnight, she was in long talk with *Bothwel*, none being present but the captain of her guard. And when he also withdrew himself, *Bothwel* was there left alone without other company, and shortly after retired into his own chamber. He changed his apparel, because he would be unknown of such as met him; and put on a loose cloak, such as

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the *Swartrytters* wear, and so went forward through the Watch, to execute his intended traiterous fact. The whole order of the doing thereof, may be easily understood by their confessions, which were put to death for it.

Bothwel, after the deed was ended, that he went about, returned, and as if he had been ignorant of all that was done, he got him to bed. The Queen in the mean time, in great expectation of the success, how finely she played her part (as she thought) it is marvel to tell. For she not once stirred at the noise of the fall of the house, which shook the whole town; nor at the fearful outcries that followed, and confused cries of the people, (for I think there happened to her not any new thing unlooked for) till *Bothwel* feigning himself afraid, rose again out of his bed, and came to her with the Earls of *Argyle*, *Huntley*, and *Athole*; and with the wives of the Earls of *Athole*, and *Murray*, and with the Secretary. There, while the monstrous chance was in telling, while every one wondered at the thing, that the King's lodgings was even from the very foundation blown up into the air, and the King himself slain. In this amazedness and confused fear of all sorts of Persons, onely that same heroi-cal heart of the Queen, maintained it self so far from casting her self down into base lamentations and tears, unbeseeming the royal

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name, bloud, and estate, that she marched, or rather far surmounted all credit of the constancy of any in former times. This also proceeded of the same nobility of courage, that she set out the greater part of them that were about her, to inquire out the manner of the doing, and commanded the souldiers that watched to follow, and she her self, settled her self to rest, with a countenance so quiet, and mind so untroubled, that she sweetly slept till the next day at noon. But lest she should appear void of all naturalness at the death of her Husband, by little and little, at length she kept her close, and proclaimed a mourning not long to endure.

[THE common people, not certainly knowing whether she laughed or lamented, were divided into sundry imaginations,] sith it was perilous dealing with the disguising of the court, either in knowing it to seem to mock it, or in not cunningly dissembling to seem to know it. While some talked of one sort, some of another, in the mean time, of any enquiry to be had of the murder, there was no mention made at all. At length, the day following, in the after-noon, when both shame and fear constrained them thereto, *Bothwell*, the principal doer of the vile act, with certain others that were privy to the same, assembled together with the Earl of *Argyle*, for that he is by inheritance the Justice to deal with crimes punishable by death.

First,

First, as though they had been utterly ignorant of all that ever was done, they begin to wonder at the strangeness of the matter, such as never was heard of, and incredible. Then they begin a little to be busie about their inquiry, they sent for a few poor silly Women that dwelt thereabout. Which, poor souls, standing in doubt whether it were better for them to tell, or hold their peace, though they daintily tempered their speech, yet when they had blabbed out somewhat more than the Judges looked for, they were dismissed again as fools that had but undiscretly prated. For their testimonies, though they touched some folks shrewdly, yet they were such as they might easily set light by. Then were called and examined the King's servants, that were of his household, such as were left undestroyed by that cruel chance. They denyed that they had the keys in keeping. Being examined who had them, they said, the Queen. [So the enquiry (for manners sake) was adjourned, but indeed suppressed, for fear lest if they proceeded further, the secrets of the court might hap to be disclosed.] Yet lest the matter should seem not to be regarded, out goeth a Proclamation with rewards promised to him that could give information of it. [But who durst accuse the Queen? or (which was in manner more perilous) who durst detect *Bothwel* of such an horrible offence:] Especially when he himself

self was both doer, judge, inquirer, and examiner? Yet this fear, which stopped the mouths of every man in particular, could not restrain the whole multitude in general. For both by books set out, and by pictures, and by crys in the dark night, it was so handled, that the doers of that mischievous fact might easily understand, that those secrets of theirs were come abroad. And when every man was now out of doubt, who did the murder, and who gave furtherance unto it, the more that they laboured to keep their own names undisclosed, so much the more the peoples grudge, (being restrained) broke out the more openly. Though they took upon them, as if they regarded not these things, yet sometime the rumours so inwardly prickt them to the quick, that they could by no means hide their anger. Therefore, discontinuing their searching for the King's death, they begin a new enquiry, far more earnest, against the Authors of books, and the slanders of *Botbwell*, as they themselves termed them. These examinations were so rigorously put in execution, as neither money, nor labour of men nor horses was spared about it. All the painters were called together, all that earned their living by writing, were assembled, to judge of the pictures and books that had been set out. And if any painter had not of his own accord confessed, that it was he of whose work they enquired, another that
was

was not guilty thereof, but touched a little with a slight suspicion, had suffered for it. There was published a Proclamation agreeable with the manner of the Inquisition, wherein it was made death, not only to set out any such matter, but also to read it, being set out by another. But these persons, that with threatning of death practised to stop the speech of the people, yet not satisfied with the most cruel murder of the King, ceased not their hatred against him when he was dead. All his goods, armour, horses, apparel, and other furniture of his house, the Queen divided, some to them that slew him, and some to his Fathers ancient deadly foes, as if they had upon attainder come to her by forfeiture, and his Fathers tenants, as though they had been also part of our conquered booty, she so scraped, till she brought them in a manner to extream beggery.

BUT this was a strange example of cruelty, and such as never was heard of before, that as she had satisfied her heart with his slaughter, so she would needs feed her eyes with the sight of his body slain. For she long beheld, and not only without grief, but also with greedy eyes, his dead corps, the goodliest corps of any Gentleman that ever lived in this age. And then suddenly, without any funeral honour, in the night-time, by common carriers of dead bodies, upon a vile Bier, she caused him to be buried hard by *David Rizo.*

Rizo. When these doings were known abroad, and that the indignation of the people had overcome the threatnings of penalties, and the frankness of sorrow surmounted fear, by little and little she began to set her face, and with counterfeiting of mourning, she laboured to appease the hearts of the grudging people. (For where the ancient manner hath been for Queens, after the death of their Husbands, by the space of forty days, not onely to forbear the company of men, but also from looking on the open light, she attempted a disguised manner of mourning. But the mirth of heart far passing the feigned sorrow, she shut the doors/indeed, but she set open the windows, and within four days she threw away her wailing weed, and began to behold both sun and open skie again.) But this one thing fell very overthwartly. For when *Henry Killegree* was come from the Queen of *England* to comfort her, as the manner is, this Gentleman strangers hap was to mar the play, and unvisor all the disguising. For when he was, by the Queen's commandment, come to the court, though he being an old courtier, and a good discreet Gentleman, did nothing hastily, yet he came in so unseasonably, ere the stage was prepared and furnished, that he found the windows open, the candles not yet lighted, and all the provision for the play out of order. When of the forty days that are appointed

pointed for the mourning, scarce twelve were yet fully past, and the counterfeiting would not frame half handsomly, (and to disclose her true affections so soon she was somewhat ashamed, at length taking heart of grace unto her, and neglecting such trifles, she cometh to her own byas, and openly sheweth her own natural conditions. She posteth to *Seton's* house, with a very few, and those not all of the saddest company. There *Bothwel*, though it seemed, that for the great favour he then had in court, and for the Nobility of his birth, and other respects of honour, he should have been, next after the Queen, most honourably received, yet was lodged in a chamber hard by the Kitchin. Howbeit the same was a place not altogether unfit to assuage their sorrows, for it was directly under the Queen's Chamber: And if any sudden qualm of grief should have happened to come over her heart, there was a pair of stairs, though somewhat narrow, yet wide enough for *Bothwel* to get up to comfort her.

IN the mean time, after the rumour hereof was spread into *France*, Mounseigneur de *Croc*, who had often before been Ambassadour in *Scotland*, came in suddenly upon them, God wot, full unseasonably. By his advice she returned to *Edenburgh*, out of that den which, even as far as *France*, was infamous. But in *Setons* house were so many commodious opportunities for her purpose, that howsoever
her

her good name were thereby impaired, needs she must go thither again. There were counsels holden of the great affairs of the Realm. The end of the consultation was, that *Bothwel* should be arraigned of the murder, and acquit by Judges thereto chosen for the purpose, and constrained. It was concluded, That the meaner sort of the Judges might with favour and fair promises be led, and the rest of the greater and graver sort (whom for fashions sake they were driven to call to the matter) might be drawn with fear to acquit him. (For beside Libels thereof commonly thrown abroad, the King's Father, the Earl of *Lennox* did openly accuse him for principal author of the murder.)

THE assembly of the States in Parliament was at hand, which was to be holden the thirteenth of *April*, before which day they would needs have the arraignment dispatched. That great haste was the cause, why in that proceeding and Trial, nothing has been done according to the form of law, nothing in order, nothing after the ancient usage. There ought to have been publick summons of the accusers, the next of the kin, the Wife, the Father, and the Son, either to be present themselves, or to send their Proctors. The law also gave them time of forty days. But here the Father was commanded to come within thirteen days, and that without any assembly of his

his friends, with his own household retinue only, which by reason of his great poverty, was now brought to a few: While in the mean time *Bothwell* with great bands of men, daily mustered about the town. And because he verily believed that in so assured peril, no man would take upon him to be his accuser, he grew to such a negligence, and such contempt of law and judicial proceedings, that the enditement was framed of a murder supposed to be done the ninth day of *February*, when indeed the King was slain the tenth day. In choosing and refusing of the Judges, the like severity was used, for the murderers themselves made the choice of the Judges, when there was no man to take exception against them. The Earl of *Cassiles*, willing rather to pay his amercement, as the manner is, than to be a Judge in the matter, when he had stood in it a while, and would not appear at the Queen's request and menacing, yea, though she sent her ring for credit both of her earnest prayer and threatening, at length, constrained with fear of exile and punishment, he yielded. There sate the Judges, not chosen to judge, but picked out to acquit. The cause proceeded without any adversary: A Trial in a matter of life and death, when there was never an accuser, but suborned by the party accused; So as a man might well think it not the trial of a cause in a court,

but

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but the playing of an enterlude upon a stage.

IN all this fearlesness of all things, yet behold, I pray you, of what force is the testimony of conscience on either side. Suddenly, unlooked for, there starteth up a young man of the Earl of *Lennox* house, in whom the respect of duty vanquished the fear of danger. This young man made an open protestation, that the same assembly of Judges was not lawful, because in their proceeding there was nothing done according to law nor order. At this saying the Judges were all stricken in such a fear, that they all, by and by, with one accord made protestation, with proviso, that it should not hereafter be prejudicial to them, in that they had acquitted a prisoner whom no man accused, and that they had acquitted him of a murder alledged to be committed the ninth day of *February*, when the King was slain the tenth day. This is that same noble tryal and judgment, whereby *Bothwel* was, not cleansed of the crime, but as it were washed with Sowters blacking, and so more comly prepared to go a wooing to wed the Queen, and so to become a Husband to her greater shame, than when he was before an adulterer. To make up yet the full perfection and encrease of this jolly acquital, there was set up a writing in the most notorious place of the court, that though *Bothwel* had by just trial and

and judgment been lawfully cleared and acquitted of the murder, whercof he had been falsly accused, yet for more manifest declaration of his innocency to the whole world, he was ready to try it in combat, if any man of good fame, and a gentleman born, would charge him with the murder of the King.

THE next day after, there was one that set up a bill in open place, and offered to accept the combat, so that there might for the battel be such a place appointed, wherein the party might safely without fear diselosé his name.

WHILE matters and méns affections were in this stir, the Parliament assembled. There after they had for eight days together, in manner done nothing but treated of reversing the judgment, whereby the Earl *Huntly's* father had been attainted of treason, and for restoring the son to his father's possessions and honours: There were also certain plausible things granted to please the People, and specially for the church, namely the repealing of certain laws of Popish Tyranny, made for punishing of such as durst once mutter against the decree of the See of *Rome*. Though these things were acceptable among the commonalty, yet there remained one thing which no less vexed the the Queen, than offended the people, that is to say, her company with *Bothwell*, nor

altogether so openly as she would fain have had it, and yet not so secretly, but that the people perceived it, for that all mens eyes were gaping upon them. For whereas *Bothwel* had a Wife of his own, and to tarry for a divorce, was thought an overlong delay, and in the mean time the Queen could neither openly avow to have him, not secretly enjoy him, and yet in no wise could be without him; some shift, though not an honest one, yet a shift, forsooth, must be devised; and when they could not think upon a better, it seemed to them a marvellous fine invention, god wot, that *Bothwel* should ravish and take away the Queen by force, and so save her honour. So within a few days after, as the Queen was returning from *Sterline*, *Bothwel* forceably took her by the way, and carried her to *Dunbar*: Whether with her will, or against her will, every man may easily perceive by her own letters, that she wrote to him by the way as she was in her journey. But howsoever it were, that the wrong of the ravishment might be defaced with honest colour of marriage, *Bothwel's* wife was compelled in two courts to sue a divorce against her husband.

BEFORE Judges delegate, appointed by the Queen's authority to have jurisdiction in such causes, the Wife accuseth the Husband of adultery, which with them was a just cause of divorce. (Before popish Judges, who

who indeed by law were forbidden, yet by special dispensation of the Bishop of *St. Andrew*, were for the hearing of this cause only permitted: *Bothwel* was accused, that before his marriage with his Wife, he had committed fornication with his wife's near kinswoman: Howbeit all this while they kept close the Pope's *Bull*, by which the same offence was dispenc'd with. The divorce was posted forward without any slackness either in the witnesses, or in the Judges. Within the space of ten days, the matter was taken in hand, began, and intended, joyned unto, tryed and judged before both the companies of Judges. When the sentence of divorce was given, and sent to *Dunbar*, *Bothwel* by and by assembleth together from all parts, all his friends, his servants, and retainers, to convey to *Edinburgh* the Queen, who would then needs take upon her to be a Prisoner.

WHEN that they were thus gathered together, the most part of them in armour, by the way, as they were conducting the Queen, many of them were suddenly stricken in some fear, lest, in time to come, they might be charged for holding the Queen as Prisoner; and although there were no other evidence, yet this one thing would be proof enough against them, that in time of peace they were found armed about her. While they were in this doubt, in the midst of their journey, they all threw away their launces,

and in more peaceable array, at least in shew, they conveyed her to the castle of *Edenburgh*, which castle was also the same time at *Bothwel's* commandment. There she tarried with *Bothwel*, while the banes were publishing. Then she came down out of the castle into the town, to the common assembly of the Judges, and there pronounced her self to be free at her own liberty. And so at length, within eight days, she finished that unmatrimonial Matrimony, all good men so far detesting, or at least grudgingly forejudging the unluckey end thereof, that Monsieur *de Croc*, the *French* King's Embassadour, a man very well affectioned to the Queen, one of the faction of the house of *Guise*, and sojourning very near to the place, though he were earnestly required, yet he thought he could not with his honour be present at the feast.

THESE things were done about the twenty fifth of *May*, in the year of our Lord, 1597. The twenty-fifth day of *June* following, *Bothwel*, being either dismaid with a guilty conscience of the vile Fact, or sent away by the Queen, she came her self to the Lords of the realm, who earnestly required the publick King-murderer to be brought forth to due execution. What hath been done since, pertaineth not much to this present matter. And though my speech have been, perhaps, longer than you looked for,

for, yet I plainly perceive in my self, that, while I seek to make an end of my tale, I have omitted, and many things for haste I have but lightly touched; and nothing have I, according to the heinousness of the offence, fully expressed.



An Oration, with a Declaration of the Evidence against MARY the Scottish Queen: wherein is, by necessary Arguments, plainly prov'd, that she was guilty and privy of the said Murder.

SEEING these things are by writings and witnesses so probable, and stick so fast imprinted in the knowledge of all the people, that such as would have them most hidden, cannot deny them: What place is here left for cunning, or what need can be of diligence, to prove or reprove a thing so plain and evident? For all things are so clear, so manifest, and so mutually knit together, each part to streng-

then other, that there is no need of foreign probations; and all things so fully witnessed, that there is no necessity of other arguments. For if any will ask me, as in other matters is us'd to be ask'd, the causes of so foul a fact, I might also likewise ask of him, sith the time, the place, the deed, and the author is sufficiently known, to what purpose is it to stand upon searching the causes, or to enquire by what means it was atchieved? Again, when there be extant so many causes of hatred, and so many tokens thereof, which do offer themselves to knowledge, as may well be able to bring even things uncertain to be believ'd, surely so far-fetch'd an explication of the act committed may right well seem superfluous. Nevertheless, for as much as so great is the impudence of the vile offenders in denying, and so confident the boldness of impudent persons in lying, let us assay to see with what weapons truth is able to defend innocence against those wicked monsters. If then they demand the cause of so heinous a deed, I answer, It was unappeasable hatred. I demand of them again, if they can deny that such hatred was, or that the same hatred was so great, as without blood could not be satisfied? If they deny that such hatred was, then let them answer me, Why she, a young woman, rich, noble, and finally a Queen, thrust away from her, in a manner, the young

Gen.

making into a Seneca Revenge play

Gentleman into exile, he being beautiful, near of her kin, of the blood royal, and (that which is greatest) entirely loving her, in the deep of sharp winter, into places neither fruitful of things necessary, nor replenish'd with inhabitants, and commonly perilous, being haunted with thieves? Why sent she him away into desert and craggy mountains, without provision, into open perils, and in a manner without any company? What could she more have done, if she had most deadly hated him, and covenanted to have him dispatch'd? But, I trow, she fear'd no such thing. But that voidness of fear, I construe to be a note of most obstinate hatred, especially sith she both knew the places, and was not ignorant of the dangers. That husband, therefore, to whom she was but lately married, against the liking of her subjects, against the will of their friends on both sides, without whom she could not endure, whom she scarcely durst suffer out of her sight; him, I say, she thrust forth to uncertain death, and most certain perils.

WILL ye ask of me the causes of the change of her affection? What if I say, I knew them not? It sufficeth for my purpose to prove that she hated him. What if I ask again, why she so extreemly loved the young man whom she never saw before? Why she so hastily married him, and so un-

measurably honour'd him? [Such are the natures of some women, especially such as cannot brook the greatness of their own good fortune; they have vehement affections both ways; they love with excess, and hate without measure; and to what side soever they bend, they are not govern'd by advis'd reason, but carried by violent motion. I could, out of the monuments of antiquity, rehearse innumerable examples; but of herself, I had rather believe herself.

CALL to mind that part of her letters to *Bothwel*, wherein she maketh herself *Medea*, that is, a woman that neither in love nor hatred can keep any mean. I could also alledge other causes of her hatred, although indeed not reasonable causes, yet such as are able to shove forward, and to push headlong an outrageous heart which is not able to govern itself.

BUT herein I will forbear: And, if herself will suffer me, howsoever she hath deserv'd of her subjects, yet, so much as the common cause will permit, I will spare her honour; yea, I will spare it more than the cause will allow me.

THEREFORE I omit her other causes of hatred, and return to this; that she hated, and not meanly hated him,

WILL you see also another proof of her hatred? The tender Wife, forsooth, so loving and fond of him, when she could not do him

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him the duty of a wife, offereth to do him the service of a bawd: She made choice of her own brother's wife to put to him in her place.]

WHAT shall we think to be the cause of this so sudden change? She that of late gapingly sought for every small breath of suspicion against her Husband, and, where true causes were not to be found, she invented such as were manifestly false; and this she curiously did, not when she lov'd him, but when she had begun to hate him; and while she was fishing for occasions to be divorc'd from him, even she, I say, of her own accord, offereth him a lover, declareth her own contentation therewith, and promiseth her furtherance.]

WHAT can we imagine to be the cause hereof? Was it to please her Husband? No, for she hated him; and although she loved him, yet such manner of doing in a woman is incredible. Was it that he, knowing himself likewise guilty of adultery on his part, might the more willingly bear with a partner in use of his Wife? No, for he bare with all perforce against his will. [Was it to find cause of divorce, and so to drive him to leave his bed empty for *Bothwel*? Yea, that was it indeed that she sought for, but yet not that alone; for in this woman you must imagine no single mischief. [She hated the Earl *Murray's* Wife, even with such hatred as all dishonest persons hate the honest.

honest. The differences of their two fames much vexed her, and therewithal also she coveted to set the good Lady's Husband, and the King together by the ears, and so rid herself of two troubles at once.

THUS you see how many and how great things she practis'd to dispatch, with one labour, her Paramour's enemy, the bridler of her licentiousness, and her own hated Husband, she hopeth to rid all at once; while, by such sundry sorts of wicked doings, she maketh haste to her most wicked wedding.

TO what end tended that fearful hasty calling for the Earl *Murray*, at midnight? Could she not tarry till day-light? What was the occasion of so suddain fear? The good Woman, god-wot, careful for the concord of the nobility, dearly loving her Brother, and most dearly loving her Husband, was afraid, forsooth, lest her Brother should, in the night, have been assaulted by the King, whom she herself had disarm'd. Disarm'd, said I? yea, she had disfurnish'd him of all convenient company for his estate, and made him to be shaken up with a woman's scolding, and that by one of her own train, one who was past all shame, and of prostitute unchastity.

SHE fear'd much, lest the young Man, destitute of friends, beset with all sorts of injuries, should make assault in the night-time.

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time. Upon what person? The Queen's Brother, a Man of great reputation and power, and in highest favour with all estates. And where should he have assaulted him? In a most strong castle; whereupon the deed being done, neither was way for him to flee, nor means of refuge to the Queen's mercy. For what cause should he assail him? there was no enmity between them, but such as she had sow'd. What say you, if she coveted that thing most, which she most feign'd herself to fear: For to what purpose else sent she for her Brother to come to her in the night-time, unarm'd? Why did she not advise him of this one thing at least, that because he was to pass by, and hard by the King's door, he should in any wise put on his armour? Why did she not either forewarn him of the danger, or defer the calling of him 'till next morning? [No, no, she had a more subtil purpose in hand. She had but newly sent the King away, inflamed (as she hoped) with hatred of the Earl of *Murray*. So thought she it not unlikely, but that the King, kindled with fresh displeasure, rash by fervour of youth, lightly believing her by excess of love, would have adventured to slay his supposed enemy, naked, unaccompanied and unarmed. So sent she the King raging in anger to commit the slaughter, and practised to draw the Earl of *Murray* naked, unaccompanied, unwarned, to be sud-

suddenly trap'd in treason. This was her meaning, this was her desire. But wicked counsels, how subtil soever they be, are not always prosperous.

pattern of historical question
 WHAT meant this, that after her deliverance of Child, at which time other Women do chiefly comfort themselves in the lovingness of their Husbands, and confess that they find some ease of pain by sight of them, she at the same time driveth her Husband away? What else shall we say she meant thereby; but, as the Poet saith, for pure love, god-wot, she shut him out of doors. But this tender Creature, that either shutteth out her Husband, or as soon as he is come chaseth him away again, whose stomach turned at the sight of him, who is suddenly taken with pangs at his presence, when she was in the pinnace amongst pirates and thieves, she could abide at the poop, and be content to handle the boisterous cables. Now ask I whom she loved, and whom she hated? For that at *Aloe* she drove away the cumbersome interrupter of her pastime; that again, when he came to her at *Edinburgh*, she rejected him, I blame her not. I am content to believe she did it not for hate to her husband, but for her fancy's sake; that again at *Fedworth* she suffer'd him not to come at her, let it be borne withal; for not without cause she feared, lest the force of her sickness would encrease at sight of him,

him, whose death she so earnestly desired. That she gave special commandment that no man should lodge him, no man should relieve him with meat or drink, that she in a manner forbad him the use of fire and water: This is undoubtedly a token of outrageous hatred. But it seemeth she feared the very infection of her Husband, if he were in any place near her. That she sent him back from *Cragmillar* to *Sterline*, I complain not. But that she bereaved him of all his necessities, that she took him from his servants, that she abated the allowance of his expences, that she alienated the Nobility from him, that she forbade strangers the sight of him, and (as much as in her lay) took from him, even while he lived, the use of heaven, earth, and air: This, I say, I know not what to call it, unnaturalness, hatred, barbarous fierceness, or outrageous cruelty? That when we went from *Sterline*, she took away all his Plate, let it be pardoned, for what need had he of silver, that carried with him present death in his bosom? But this I beseech you to consider, what great indignation of all men it hath kindled, that when the King, poor soul, made hard shift to live in desolation, sorrow, and beggery, whilst that *Bothwel*, like an Ape in purple, was triumphantly shewed to the Embassadors, of foreign Nations, even that same partner of her Husband's bed, not so much for the love

love of himself, as for despight of her Husband, was carried abroad, set out with all kind of ornaments, even that adulterous partner, I say, that neither in birth, nor in beauty, nor in any honest quality, was in any wise comparable with her disdained Husband. Now let them deny that here were tokens of hatred.

BUT how great, and how unappeasable this hatred was, even by this ye may gather. Her Husband so oft shut out, so oft sent away with despight, driven to extream poverty, banished into a desolate corner, far from the court, far from the presence of men, spoiled of his servants and household furniture, bereaved, in a manner, of his daily necessary sustenance, yet by no injuries can be shaken from her, by no fear of death can be withdrawn, but with serviceableness and patience he assayeth, if not to overcome, yet at least somewhat to assuage the violent cruelty of her unkind courage. In the mean time, what doth this good gentlewife, this merciful Queen, that is at the beholding of men's miseries so kind and pitiful? Neither is she once moved with the loving doings, nor with the wretched plight, nor with the miserable wofulness of her Husband, nor appeased by time, nor satisfied with torments, but rather with his serviceableness she is irritated, with his humble prayers she is more inflamed, and at every time of his coming she deviseth some
new

new encrease of spightful dishonour : Wherein, when she had spent the uttermost of all her force, wit, and bitterness of nature, when she saw the poor young Gentleman, neither to give over by fainting, being oppressed with poverty ; and though he were despised of all men, and so often thrown into open perils, neither to despair, nor otherwise, more cruelly, to make away himself ; at length, as it were glutted with the sight of his miseries and torments, she determined presently to rid him of his calamities, herself of irksomness, and her adulterer from fear, and so, by certain special persons thereto appointed, she caused him to be poysoned, that being absent from her, he might so die with less suspicion. But of the poyson I will say more in another place.

WHEN this practice framed not fully to her desire, she goeth her self to *Glasgow*, that whom being absent she could not kill, she might herself in presence satisfie both her cruel heart, and her eyes with sight of his present miseries. And, as if herself alone were not sufficient to execute the cruel tormenting of him, she bringeth into his sight ministers of her heinous doings, and his ancient natural enemies, and with these outrages travelled to vex his soul at his last breath. But wherefore gather we arguments, as in a doubtful case, when she herself will not suffer us to doubt at all ? She, the Queen herself,

self, I say, openly protested, not to her lover in bed, not among her confederates in secret chambers, nor before few and mean Persons of estate, apt to flattery, constrained by poverty, or of purpose affectioned; she her self, I say, openly confessed, that she could not live one good day, if she were not rid of the King; and that not once, nor unadvisedly, but in presence of those Personages whom she used to call to counsel in the weightiest affairs. For it cannot be said, unadvisedly slipped from her, that was so oft spoken, in so many, so far distant places, with tears always added, to move credit, before men notable, both for their nobility, wealth, and wisdom, and wherein she declared her own opinion, practised to win their assent, and hearkened for their advices. But be it that she forged all these things; be it that her tears were feigned; let them not believe it that heard it; let the greatness of the outrage make the report incredible. I my self also would gladly be one of that number, to think these things uttered by her, rather to groap the minds of others, than that she her self so thought in her heart, if it were not so, that the thing it self confirmeth the report, that the outragiousness of the doings far surmounteth all bitterness of utterance.

WHEN he was preparing to depart from *Glasgow*, she caused poison to be given him. You will ask, by whom? In what manner?

What

What kind of poison? Where had she it? Ask you these questions? As though wicked Princes ever wanted Ministers of their wicked treacheries. But still you press me perhaps, and still you ask me who be these Ministers? First, that poisoned he was, it is certainly known: For though the shamefulness of men would not stick to deny a thing so manifest, yet the kind of disease, strange, unknown to the people, unacquainted with Physicians, especially such as had not been in *Italy* and *Spain*, black pimples breaking out over all his body, grievous aches in all his limbs, and intolerable stink disclosed it. If this cause were to be pleaded before grave *Cato* the Censor, all this were easie for us to prove before him that was perswaded, that there is no adulteress, but the same is also a poisoner. Need we seek for a more substantial witness then *Cato*, every of whose sentences antiquity esteemed as so many Oracles? Shall we not in a manifest thing believe him whose credit hath in things doubtful so oft prevailed? Lo here a man of singular uprightness, and of most notable faithfulness and credit; beareth witness against a woman burning in hatred of her Husband, and in love with an adulterer, and in both these diseases of corrupt affections unbridled, untemperable by her estate, raging by her power, and indulgently following the wantonness of her wealth. But let us omit old and discussed things, and let us sever the

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credit of inconstant multitudes from the ease of Princes. Let us in so great a matter admit no witness, in whom either his estate may be suspected, or his manners may be blamed. What witnesses then shall we use? For by this condition, we may bring forth none under the royal degree of a King or a Queen.

BUT such vile acts are not wont to be committed by noble and good men, but by lewd and wicked Ministers. Howbeit that herein also the most precise may be satisfied, go to, let us bring forth a royal witness. Read her own letter; [her letter (I say) written with her own hand. What mean these words? *He is not much deformed, and yet he hath received much.* Whereof hath he received much? The thing it self, the disease, the pimples, the favor do tell you. Even that much he received, that brought deformity, forsooth, very poison. But her letters name not poison.] This is sufficient for me, that it is there said, that *though he received much, he is not much deformed*, or, *though he be not much deformed, yet he received much.* What meaneth this word yet? [What else but this, that whatsoever it was that he received, the same was the cause of his deformity, which though it were much, yet was it not so much as to work such deformity as was desired.] But be it, it were not poison. What then was it else? You can find nothing that can with convenience of reason be named in place
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of it. Finally whatsoever it be that is meant by this word *much*, [it is such, as she her self, in so secret and familiar a letter, dare not call by the right name.] Yea, and though we would shift it off by cavillous expounding, yet she her self will not suffer us. Compare that which went before with that which followeth, and by her device and purpose for time to come, ye shall easily understand, what it is that she hath done in time past. [First she saith, it is needful that he be *purged*; then she determineth to carry him to *Cragmillar*, where both the physicians, and (which is more dangerous than any physician) she her self may be present. Finally she asketh counsel of *Bothwel*, whether he can devise any secreter way by medicine, than that at *Cragmillar*, and after a *Bath*. See how all things hang together. *He hath received much, he must be purged*, and at *Cragmillar*; that is, in a desolate corner, in a place, by reason of small resort, very apt for a mischief to be committed. *And Medicine he must use*, and what, forsooth? Even the same whereof he had before received much.] How shall that appear? [She will have the manner of ministering the medicine to be secret. If it be to heal him, what needs that secrecy? Why is it not administrated openly, in a known and populous place?] Now he is eased of his sickness, lusty and healthy, why is he purged in an unusual manner, and in an uninhabited corner? [But perhaps it was a strange kind of

disease, it had need of strange remedies. What Physicians then called she to counsel? To whom is this charge committed to seek out a medicine and curing for the King? Forsooth, to the King's enemy, to the Queen's adulterer, the vilest of all two footed beasts, whose house was in *France* defamed for poisoning, and whose servants were there for the same cause, some tortured, some imprison'd, and all suspected. When was he appointed to receive this noble medicine? Either at his bathing, where he should wash alone, or after his bathing where he should sup alone. So forsooth are medicines accustomed to be provided by enemies, in a secret place, without witness. That therefore while an adulterer, an adulteress, and the partner of his Wife's body, curiously prepareth, and secretly ministreth; what medicine this is, let every man with himself weigh and consider. By this time, I suppose, you see the hatred of the Queen, how unappeaseable, how outrageously cruel, how obstinate it was against her husband, whom she thrust among thieves, whom she practised to match in feud and battel with the Nobility and with her brethren, who were both naked and poor, laden with despights, vexed with railings, assailed with poison, she drove him away into a solitary corner, there to die with the extreamest torment. Now let us proceed to the other causes.

THIS hatred itself was of itself sufficient to prick her forward to her enemies slaughter,

ter, often fought, once attempted, and almost atchieved. Yet was there besides, a stronger enforcement, itself able to enflame her hatred, I mean the love wherewith she intemperately fancied *Bothwel*: Which love, whosoever saw not, and yet hath seen him, will, perhaps, think it incredible. For what was there in him, that was of a woman of any honest countenance to be desired? Was there any gift of eloquence, or grace of beauty, or virtue of mind, garnished with the benefits, which we call, of Fortune? As for his eloquence and beauty, we need not say much, sith they that have seen him can well remember both his countenance, his gate, and the whole form of his body, how gay it was: they that have heard him, are not ignorant of his rude utterance and blockishness. But you will say, he was in executing attempts, wise and politick; in adventuring of perils, hardy and valiant; in free-giving, liberal; in use of pleasures, temperate. For wisdom, even they that be most affectionate unto him, dare not charge him with it. Of valiantness indeed he labour'd to win some estimation, but among horsemen, on a swift steed well mounted, well provided for his own safety; a beholder of other Men's fighting, sometime hardly chafing them that fled; but his face toward him near at hand, he never durst abide. Will ye have an example of his excellent valiantness? Of a thief, a notable coward, whom being

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yielding, and unawares he had deadly wounded, he was thrown down to the ground, hurt, bruised with dry strokes, and had been quite slain, if the poor thief's strength, being ready to die, had not failed him. I could rehearse his glorious vain braggeries in *France*, I could tell of his last fearful flight as far as to *Denmark*; but I had rather rub up the remembrance of that day, when the Queen, forsaking him, came to the Nobility, that protested to revenge the slaughter of the King. The armies stood ready in array, *Bothwel* in in number of Men was equal, in place had the advantage; there stood before him, to be his reward, being vanquisher, a Queen much fancying, and entirely loving him; a kingdom, wealth, and honour, for him and his posterity; moreover, impunity for his offences past, extream liberty to do what he list for time to come, ability to advance his friends, and be revenged of his enemies: And on the other side, if he were vanquished, dishonour, poverty and banishment; finally, all things that thereafter happen'd, or hereafter may happen, were then before his eyes. There were also present, beside the two armies, beholders and witnesses of each man's valiantness and cowardice, the Queen, the price of the battel, and Monsieur *de Croc*, the Embassador of *France*. Now you look to hear how this magnificent boaster of valiantness did acquit himself. First, being mounted upon an excellent horse, he

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came bravely before the army. There the man, forsooth, very sparing of his Country-men's blood, and lavish of his own, calleth for one to try it with him by combat, man to man: And when there were many on the other side, of honourable birth and estates, that offer'd to accept the combat, by and by his violent heat cool'd, and his glorious speech quailed; and had it not been that the Queen, as it were some God out of a ginn in a tragedy, had by her authority taken up the matter, and forbidden her pretty vancouver pigeon to give battel, he had fail'd to find, not only a mean, but also an honest colour to refuse to fight, and so the combat was interrupted; yet in the joynd battel he behaved himself so valiantly. Forsooth, the first man, almost at the beginning, and alone, he ran his way, and so at length drew the rest of his part to flee after him.

BUT his defaults in martial feats, perhaps the man was supplied with civil virtues: Alas! what were they? or what virtues could be look'd for in him? A man for the most part brought up in the Bishop *Murray's* palace, to wit, a most wicked corrupt house, in drunkenness and whoredoms, amongst most vile ministers of dissolute disorder. After that he was grown towards man's estate, at dice, and among harlots, he so wasted a most goodly large revenue of his inheritance, *That* (as the Poet saith) *at his need he had not left*

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where with to buy him a halter to hang himself. He, I say, that defiled not only other men's houses with cuckoldry, but also his own with incestuous villany.

THIS man therefore, when I say to have been beloved of the Queen, and not only loved, but also outrageously and intemperately loved, they that know it not, will, peradventure, think, that I tell wonders. But some man, perhaps, will say, Was there none other in all the troop of the youth of Nobility, beside him, more worthy to be beloved? Certainly there were very many. [And one there was, in all things that were wont to allure love, of all other most excellent, even her own Husband.] What was it then that joyn'd so unequal love, and so far against reason? If I shall say it was likeness of conditions, I shall name a likely cause of love, tho' to some men, perchance, it may seem an untrue cause of their love. Neither am I willing to enter into that discourse. [Neither do I affirm the rumours spread of her in *France*, in time of her first marriage: Howbeit the wickednesses of the rest of her life make some proof that they rose not all of nothing.] And many things that have been noised of her since her return into *Scotland*, I have no mind to believe. As for my part I am content they be buried in forgetfulness, or if that cannot be, let them be taken for false and feigned. Neither is it necessary,
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over-curiously to examine causes in love, which is usually so carried with a rash violent motion of a muddy and troubled mind, that for the most part it endeth in madness, which if ye labour to govern by discreet advice, ye do nothing else but as if ye should endeavour to be mad with reason. But yet here there want no causes, for there was in them both a likeness, if not of beauty, nor outward things, nor of virtues, yet of most extream vices. She a young Woman, suddenly advanced to the highest degree of authority, when she had never seen with her eyes, heard with her ears, nor considered in her heart the form of a Kingdom governed by Law, and thereto was furnished with the untemperate counsels of her Kinsmen, who themselves practised to set up a tyrannous rule in *France*, endeavoured to draw right, equity, laws and customs of Ancestors to her only beck and pleasure.

OF this immoderate desire, there burst out from her many times, many words disclosing it. This she studied day and night; but against this desire, there withstood the custom of the country, the laws and statutes; and principally the consent of the nobility, who remaining safe, she could never attain it. To the end therefore that she might be able violently to achieve it, she determined by force to remove all that stood in her way. But she

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wist not well, by what means, or by whose help to attempt it.

FRAUD was the way to work it, for otherwise it was not possible to be obtained. For this purpose, therefore, *Bothwel* only seemed the fittest man, a man in extreme poverty, doubtful whether he were more vile or wicked, and who between factions of sundry religions, despising both sides, counterfeited a love of them both. He, when he had once before offered the *Hamiltons* his service to murder the Earl *Murray*, gave thereby a likelihood, that upon hope of greater gain, he would not stick to adventure some greater enterprize, being one whom the ruin of his own decay'd family prick'd forward headlong to mischief, and whom no respect of godliness or honesty restrain'd from ungracious actions. As for excessive and immoderate use of lechery, he therein no less sought to be famous, than other men do shun dishonour and infamy. She therefore, a woman greedily coveting untempered authority, who esteem'd the laws her prison, and the bridle of justice her bondage, when she saw in her husband not metal enough to trouble the state, she picked out a man for her purpose, who neither had wealth to lose, nor fame to be stained; even such an one as she might easily overthrow again, if she should once grow weary of him; such a one as she might easily snare his incontinence with wanton

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allurements, satisfy his need with money, and bind his assuredness to her with a guilty conscience, confederate in mischiefs. These be the fountains of that same, not unmeasurable, but mad love, infamous adultery, and vile parricide, wherewith, as with a pledge, that bloody marriage was plighted. [These therefore were the causes of enterprizing that heinous act, to wit, unappeasable hatred of her husband, and intemperate love of her adulterer. [There was, moreover, a hope, that the crime might be diverted from them to other, and the execution for it might be laid upon the poor lives of their enemies, and that men most guiltless of the fault might be thrust in their place, as sacrifices to appease the people's displeasure : If not, to what end then served that battel which was almost begun to be fought between the King and the Lord *Robert* her brother ? [To what end tended those seeds of discord that were scattered between the King and the nobility ? Wherefore did she so curiously intreat the Earl *Murray* to stay with her the day before the murder was committed ? [Or what cause was there to send for him ? [There was an Embassador come out of *Savoy*. For what cause ? Surely it must needs be a great cause, and such as could not be ended without the assembly of the nobility. No, God wot. The Embassador of *Savoy*, being bidden too late to the christening, came when all was ended,

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not for an Embassador to the christening, but as one sent to excuse the neglecting of doing that kindness, when both he liked not to send so far for so small a matter, and he was somewhat ashamed to have failed in presence, when the *Frenchmen* and *Englishmen* had already done it. For the more honourable dismissing of him, the Earl *Murray* was sent for, and that with sundry messengers, to come from his wife that lay a-dying. What need was there then of his presence? To draw him to be a party in conspiracy of the slaughter? Why was it never attempted before? Thought they it best then at the last point, at the very instant when the murder should be committed, to joyn him to their fellowship, as a light man, inconstant, and shifting his purposes at every moment of time, infamous in his former life, and not well assured in his present estate? No, there is none of these things that they yet dare say of him. Seeing then they cannot imagine a false cause to stay him, what was the true cause indeed every man may easily gather; even the same that caused first the Earl of *Athol*, and afterwards him to depart from the court; the same that so brought him in danger of death; the same that had slander'd him with false rumours scatter'd in *England*; the same that persecuted him with infamous libels of the murderers themselves; the same that made him to chuse rather to go into banish-

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banishment, than to remain in court among ruffians weapons, with great peril of his life.

BUT what availeth this equity of the cause before hearers, either utterly ignorant of the matter how it was done, or of themselves disflavouring this part; are envious, or apt to be carried away with feigned rumours; which esteem the slanders of most lewd slight persons for true testimonies, and give credit to these men, who boasting, at home, that they are able to do what they list, yet neither dare commit their cause to the sentence of the Judges, nor were able to defend themselves in battel? And as by a guilty conscience of offences they feared judgment; so by rage, *But* grown of their guiltiness, they run headlong to battel, and from battel run cowardly away. And now again, when standing upon the advantage that they have both in number and wealth, they scorn the wisdom of their adversaries, and despise their power in comparison of their own; yet distrusting to prevail by true manhood, they fall to robbery, and turn their ungracious minds, to slandering, cavelling, and lying, whom but yet for the good will that I bear to my Countrymen, I would advise to cease from this folly, or fury, or disease of evil speaking, lest in time to come, when truth shall shine out, they shut up and stop with hatred of them those persons ears to their petitions, whom
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now they fill and load with false rumours, for there will not always be place for forgiveness: But as darkness at the sun shining, so lies at the light of truth must vanish away.

As for the commodious means for committing that vile fact, and the hope of hiding it, I need not to pursue the declaring of them in many words, sith both the easiness to do it, the opportunities of places, and all advancements of occasions and seasons were in their own power: And to hide the fact, what needed they? When they feared no punishment although it were published? for what punishment could they fear in so strong a conspiracy? when both the force of Laws, whereof themselves were Governors, was utterly extinguished, and the minds of the most part of men were either snared with partnership of the mischievous fact, or carried with hope, or forestalled with rewards, or discouraged and bridled with fear of so great a power on the other part? But howsoever this be, yet it will be good to see throughly both the order of the doing, the unadvisedness, inconstancy, and end of their devises. For thereby shall ye perceive, that there wanted not desire to hide the fact, but that the fury of a distracted mind overthrew all the order of their counsels, while sometime, as desirous to beguile publick fame, they endeavoured to keep close their intended mischief, yet they dealt therein so openly, as careless of
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their estimation, they seemed to make small account how men judged of their doings. For at his preparing to go to *Glasgow*, the poison was given him secretly, and they thought they had sufficiently well provided that he should in his absence from them, be consumed with pining sickness. But the rest of their dealings toward him were so cruelly handled, that though his disease should have happened to be natural, yet it would have been suspected for poisoning. For he, her Husband, the father of her only and first-born child; the father, I say, of that son, whose christning was solemnized with that great pomp and glory, being escaped away, in a manner, naked out of his house flaming in fire, tormented by the way with grievous pain, when he lay at *Glasgow*, of a dangerous sickness, likely to die, what did his excellent good wife the while? What did she? At the first news of it, did she hast to him in post? Doth she with her presence, with her friendly familiar speech, or with her loving countenance comfort him in sickness? When she cannot stay him in life, cometh she to receive his last breath? Closeth she his eyes at his dying? Doth she the other kind duties of honest matrons? No. But she that had now let him escape to go and die, and hoped that he could not linger out his unhappy life much longer, she goeth a quite contrary way into another country in progress, and, with
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her fair *Adonis*, she visiteth noblemen's houses, and staineth the houses that harbour'd them with the spots of their unchastities; and just about the time of her husband's death (as she guess'd by the strength and working of the poyson) she returns to *Sterlin*. When the matter wrought not so fast as she expected, (for the strength of his youth had wrestled with the forenes of his pain) lest she should seem to have altogether forsaken her duty, she daily prepares to go to *Glasgow*, but never goeth. At the last, disappointed of the hope that she had conceived in her heart, she taketh herself to other devices. She cometh to *Edinburgh*, and there calleth to counsel her adulterer, and a few other, privy of those secrets: There they decree, that in any wise the King must be slain. Yet were they not fully advised with what kind of death he should be murder'd; which may easily be gather'd by her Letter, wherein she partly compareth herself to *Medea*, a bloody woman, and a poysoning witch. Also by another of her Letters, wherein she asketh advice about the poysoning of him. The King, who had already tasted of her lovely cup, doubting whether he were better any more to believe her flattering speeches, or to fear the shrewdness of her nature, tho' sometimes he despair'd not of her reconciliation, yet was evermore fearful and suspicious. But when he saw that neither his life nor his death

death were in his power, he was constrain'd to purſe up his paſt injuries; to diſſemble his preſent fear, and to feign himſelf ſome hopes for time to come. So was he led out, not as a husband; but carried out as a corſe, or rather drawn, as it were, to the ſhambles.

The Queen, gloriously ſhewing herſelf in pompous manner, goeth before in triumph over the young Gentleman, vexed with all kind of miſeries, tormented with poiſon, entrapp'd with treaſons, and drawn to execution. There follows after the triumphant earr, the antient enemies to his father's houſe, brought thither on purpoſe, that they alſo might feed their eyes with that woſul ſpectacle; and, whoſe death, at hand, they look'd for, they might in the mean time take pleaſure of the ſorrow of his heart. (And, that no ceremony of ſolemn ſacrifices might be wanting, *John Hamilton*, Archbiſhop of *St. Andrews*, was preſent as their prieſt, a man before defiled with all kind of wickedneſs, pampered with the ſpoils and murders of his countrymen, an old conqueror of many murdering victories.) The people all along the way, looking piteouſly, ſhew'd a foretelling of no good luck to come. The Queen's companions could neither tell their ſadneſs, nor hide their gladneſs; when the heinous outrage of the vile fact intended, held their unmeaſurable joy in ſuſpence, upon expectation of the ſucceſs. Thus led they him to

Edinburgh, not into the Queen's palace. Why so? Lest the infection of the pestilent disease, forsooth, might hurt her young son; as tho' they that be poysoned were also to be shunned for fear of infection. [But the truer cause was this, lest his presence should trouble them, in interrupting their free enjoying their pleasures, and their consultations about his murder.] Whither then is he led? Into the most desolate part of the town, sometime inhabited, while the popish priests kingdom lasted, but for certain years past without any dweller; in such a house, as of itself would have fallen down, if it had not been botched up for the time to serve the turn of this night's sacrifice. Why was this place chiefly chosen? They pretended the wholesomness of the air. O good God! going about to murder her husband, seeketh she for a wholesom air? To what use? Not to preserve his life, but to reserve his body to torment. Hereto tend her wisely, diligent attendance, and her last care of her husband's life. She feareth lest he should, by preventing death, be deliver'd from pain, she would fain have him feel himself die. But let us see what manner of wholesomness of air it is. [Is it among dead men's graves to seek the preserving of life? For hard by there were the ruines of two churches.] On the east-side a monastery of dominick fryars: On the west a church of our Lady; which, for the desolateness

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matrimonial

pure
chastity

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lateness of the place, is called *The church in the field*: On the south-side the town-wall; and in the same, for commodious passage every way, is a postern-door. On the north-side are a few beggars cottages, ready to fall, which sometime served for stews for certain priests and monks, the name of which place doth plainly disclose the form and nature thereof, for it is commonly call'd *Thieves Lane*. There is never another house near, but the *Hamiltons* house, which is about a stone's cast distant, and that also stood void. Thither removeth the Archbishop of *St. Andrews*, who always before was used to lodge in the most populous parts of the town: He also watched all that night that the King was slain. Now I beseech you, sith you cannot with your eyes, yet at least with your minds behold, a house lately of old priests, among graves, between the ruines of two temples, itself also ruinous, near to the thieves haunt, and itself a receiver of thieves, not far from the fort and garrison of his enemies, that stood right over-against the door; by which, if any man should flee out, he could not escape their traiterous ambushment. The very shape of this place, when you consider it in your mind, when you hear of the ruines of churches, graves of dead men, lurking corners of thieves, brothel-houses of harlots; doth not, I say, not the house only, but also every part near about it, seem to proclaim mis-

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chief and treachery? Seemeth here a King to have gone into a house for lodging, or to be thrust into a den of thieves? Was not that desolate wasteness, that uninhabited place, able of itself to put simple men in fear, to make wiser men suspicious, and to give wicked men shrewd occasions? What meant his enemies unwonted repair into those parts, and watching all night, in manner, hard at his gate? Why chose he now this place for his lodging against his former usage? The house, ye will say, was empty, and his brother's house, and near to the King's lodging. It was empty long before; why lodged you never there before? Why forsook you the populous places in the heart of the city, and nearness to the court, and thrust yourself into a desolate corner? What profit, what commodity, what pleasure herein respect you? Was it your meaning, that you, being one that ever had been a greedy coveter of popular fame, and catcher of courtiers with baits of good cheer, now would of your own accord go hide yourself in a blind hole out of all company and resort? that you, rather overwhelmed than laden with plenty of benefices, went thither to delight your heart in the ruine of temples? But be it that your coming thither was but by chance, and that you had some causes to go thither, though not true, yet somewhat likely.

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WHAT meant your unwonted watching all night? What meant the fearful murmuring of your servants that night, whom yet in that publick tumult you commanded, not once to stir out of doors? But what cause had they to go out? Was it to have understanding of the matter whereof your self were an author and deviser? No, for out of your own watch-tower, you heard with your ears the noise of the ruin, you saw the smoak and ashes with your eyes, you drank up the joy thereof in your heart, and the favor of the gun-powder you in a manner snuffed up at your nose. Perhaps you meant to send out some to receive them that fled; but you saw no man flee. And therefore the lights that were seen out of the highest part of your house all the night long; were, as upon the lucky ending of the thing that you looked for, even then suddenly put out.

BUT let us return to the King. [They thought it not enough to have set open the postern in the wall, to let in thieves thereat, nor to have set an ambush before the door, that none should escape, but also they kept with themselves the keys of two doors, the one of the lower room, where they had undermined the wall, and filled the holes with gunpowder, and the other of the upper room, that the murderers might come to the King in his bed. Then of those few servants that he had, they withdrew the greater number,

being such as were before set about him, not so much to do him service, as to be spies of his secrets, and carry news to the Queen. The last that was left, one *Alexander Durain*, when he could find no reasonable excuse to depart, was thrust out by the Queen her self. She in the mean time, meaning not to fail in playing her part, while *Bothwel* is in preparing the tragical stage for the murder, daily visiteth the King, his heart passioned with love, sometimes she comforteth with sweet promises, sometimes she vexeth with brawlings, and still keepeth his wit occupied with suspicions, and rightly representeth in action the poet's fable, wherein is feigned, that *Prometheus* his liver daily growing to invent new torment, is daily knawn and preyed upon by an Eagle. For after the very same manner, sometimes she cherisheth and refresheth the silly young Gentleman, to no other end, but that he may have life remaining to suffer more sorrows.

Now, I beseech you every one, think with your selves upon the fresh doing of the fact, how mens hearts were moved, when even now these things cannot be heard reported without indignation. There was provided by the most wicked man in the world, by his enemy, by his wife's adulterer, a house, in manner severed from all concourse of people, fitter for a slaughterhouse, than for mans dwelling: It is provided for a young Gentle-

man, unprovident by youth, easie to be trapped in treason by love, spoiled of his servants, forsaken of his friends; A house (I say) torn, solitary, on every side, not also unclosed, but open to pass through, the keys thereof in his enemies custody, no man left within but a young man, not yet recovered of sickness, and an old man feeble by age, and two strangers unacquainted with the places, matter and persons, no man dwelling near but his enemies and thieves. But as for danger of thieves, the good fore-casting woman had well provided, for she had left him nothing to allure a thief withal: And as for his enemies, she had appointed them to be but lookers on, and not part-players in this tragedy; but the glory of the fact she reserved to her self and Bothwell.

WHAT in the mean time doth the Queens great carefulness? What meaneth her unwonted resort? What her malicious, and not obsequious diligence? She visiteth him daily, she prolongeth her talk with him many hours together, two nights she resteth in a lower chamber under him, (if guilty conscience of most heinous doings can from torments of furies suffer that outrageous heart to rest at all.) She feared much, lest if the lower place of the house were left empty, the noise of the underminers working, and of the bringers in of the powder, should bring some of the servants into some suspicion of treachery. Be-

side, she had a mind to see the thing done her self, rather than to commit it to the trust of any other. She had a desire to take a foretast of the joy to come, and when she could not with her ears, yet at least with her heart, to conceive aforehand the fire, the smoak, the powder, the crack of the house falling, the fearful trouble, the tumult, the confused dismaidness of the doers, the thieves, and the people. All things thus prepared for that doleful night, then entreth she into the last care of her good fame: She endeavoureth to divert all suspitions from her, she goeth to her husband, she kisseth him, she giveth him a ring for a pledge of her love, she talketh with him more lovingly than she was wont to do, and promiseth more largely, she feigneth that she had a great care of his health, and yet her accompanying with her adulterer she surceaseth not.

THEY that more nearly noted these things, prognosticated no good thing to come. For how much greater tokens that the Queen shewed of reconciled affection, so much the more cruelty did every man in his heart fore-conceive of all her intentions. For else whence cometh that sudden change, so great care for him, whom she had poisoned the month before, whom even lately she not only wished dead, but desired to see him die; whose death she set her brother, yea, both her brethren to procure; and she, like a master of mischief, thrust forth the King to fight, and herself in
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the mean time prepared for his burial? Not past a few months before, she her self was desirous to die, because she loathed to see the King alive. Whence cometh now this sudden care of his health? I looked she should say, she was reconciled to him. Were you reconciled to your husband, whom you sent away into that desert, that camp of furies, as the Poet calleth it? For whom, among Brothel-houses of harlots, among beggers cottages, among thieves lurking-holes, you prepared a house so open to pass through, that you left therein more entries than men to shut them? You that allured and assembled Ruffins to his slaughter, and thieves to his spoil? You that drove away his servants that should have defended his life? You that thrust him out naked, alone, unarmed, among thieves, in danger to be slain? [When in all this miserable state of your husband, your adulterer in the mean time dwelt in your palace, daily haunted your Chamber, day and night all doors were open for him, whilst your poor husband, debarred all company of the nobility, his servants forbidden to come at at him, or sent away from him, was forsaken and thrust away into a solitary desert, for a mocking stock, and I would to God, it had been for a mocking stock only?] [Of his other servants I enquire not. I do not curiously question why they went away, why they then especially forsook the King, when he chiefly need-

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needed their help and service, when he was newly recovered? When he began to go abroad, and had no other company. Of *Alexander Duram* I cannot keep silence, whom you had for his keeper, and your spy. What was there for him to espy? Was there any thing for him to bring news of to an honest Matron, loving to her Husband, faithful in wedlock, and fearful of a partner of his love? Feared she lest he, a young Gentleman, beautiful, and a King, should cast wanton eyes upon some other woman in her absence? No, God wot. For that was it that she most desired. For she herself had practised to allure him thereto before, she herself had offered him the occasions, and of herself shewed him the means. This was it that most grieved her, while she was seeking causes of divorce, that she could not find in him so much as any slender suspicion of adultery. Why then were spies set about him to watch him? Was it not that none of the Nobility, none of his servants, nor any stranger at all should come at him, that no man should speak with him, that might disclose the treason, and forewarn him of his danger? This same very *Alexander*, how carefully she saveth, when she goeth about to kill her husband? How late she sendeth him away, when the rest were gone, even at the very point of her husband's death, when she had now no more need of espials? For the day before the murder was committed, there

there was none of the ministers that were privy to her secret counsels left behind, but only *Alexander*. He, when he saw that night, no less doleful than shameful, to approach, prepareth, as himself thought, a fine subtle excuse to be absent, so as rather chance might seem to have driven him out, then he himself willing to have forsaken his Master. He putteth fire in his own bed-straw, and when the flame spread further, he made an out-cry, and threw his bedding, half singed, out of the King's chamber. But the next day, when that excuse served not so handsomely as he desired, for that in the Queen's hearing, the King very sweetly entreated him not to leave him alone that night, and also desired him to lie with himself, as he had often used to do, for the King entirely loved him above all the rest; *Alexander* in perplexity, wanting what to answer, added to his first excuse, fear of sickness, and pretended, that for commodious taking of Physick for his health, he would lie in the town. When this would not yet serve him, the Queen added authority, and told the King, That he did not well to keep the young man with him against the order of his health, and therewithal she turned to *Alexander*, and bade him go where was best for him: And forthwith, as soon as the word was spoken, he went his way. I will not here precisely trace out all the footings of these wicked doings; neither

neither will I curiously enquire, whether that former days fire were happened by casualty, or kindled by fraud. Neither will I ask why he that had so often been received to lie in the King's own bed, doth now this only night specially refuse it. Let us suppose that sickness was the cause thereof. This only one thing I ask, what kind of sickness it was, that came upon him at that very instant, and before morning left him again, without any Physicians help, and whereof neither before, nor since, nor at that present, there ever appeared any token? But I trust, though he hold his peace, ye all sufficiently understand it. In the man guilty in conscience of the mischievous intention, fear of death overcame regard of duty. Had it not been that *Alexander*, before-time a spy and tale-bearer, now a forsaker and betrayer of his Master, was joyned to her in privy of all these wicked doings, would not the Queen, so cruel in all the rest, have found in her heart to bestow that one sacrifice upon her husbands funerals? While these things were in doing, the night was far past, and my Lady *Reresfe*, a lusty valiant souldieress, before sign given, cometh forth into the field out of array, abroad she goeth, getteth her to horse-back, and though she were somewhat afraid, as one that foreknew the storm to come, yet she fate still upon her horse, tarrying for the Queen, but yet a good pretty way from the house. In the mean time *Paris* cometh.

cometh. Then the communication brake, and they rose to depart. For, by and by, upon sight of him came to her remembrance that heinous offence, that without great propitiation could not be purged; forsooth, that the Queen had not danced at the wedding-feast of *Sebastian* the minstrel and vile jeaster, that she sate by her husband, who had not yet fully recovered his health, that at the banquet of her domestical Parasite, she had not played the dancing skit. A matter surely worthy of excuse. But what should she else do? She must needs go, as soon as she saw *Paris*; for so it was agreed, and somewhat must needs be pretended. How happened it that the other nights before, when she went away earlier, she made no excuse at all, and now her departure about midnight, must needs have an excuse alledged? But be it so, could she remember no better excuse than *Sebastians* wedding? No, no, I say to the contrary, that if she had left the wedding of her own natural brother, or her sister, to visit her husband, though but a little crased, she had had a just excuse before all men so to do. What if she had done the same kindness for the King, being not her husband, or for any other of the Nobility. Is *Sebastian's* wedding of such a value, that a masking dance thereat is to be preferred before a wifes duty and love? But surely in this curious excusing and pretended sorrow of neglected duty, somewhat

what lieth hidden, and yet not so hidden, but that it appeareth through the closure.

THIS overmuch preciseness of diligence, excusing where no need is, hath some suspicion of some secret mischief that you are loath to have disclosed, and the slightness of the excuse, encreaseth the suspicion, especially when there were other matters enough that she might better have alledged. But let us admit the excuse, since the Queen herself hath thought it reasonable; Whither then goeth she? straight into her chamber. What doth she next? wearied with the day's travel, and the night's watching, goeth she to bed? No; but she falleth to talking with *Bothwel* first almost alone, and afterward alone altogether. What talk she had, the matter itself declareth: For *Bothwel*, after that he had put off his cloaths, as if he would have gone to bed, by and by putteth on other apparel. Going to do the deed, he would not be known. I like well the man's policy. But his way was to go through the watch. Here I marvel at his madness. But men's wits beset with guiltiness of mischiefs, do commonly bewray themselves by their own inconstancy, and blind to all other things, do see only that which they have bent their mind unto. What he did, the King's death, his own running away, the confessions of the guilty persons, and other things that follow'd the murder,

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der, do declare. After the great uproar in the town about it, he, as one utterly ignorant of all, returneth through the same watch to bed. When noise of the ruine had filled all men's ears, and the crack of it had shaken all the houses, only the Queen intente to expectation of the chance, and broad awake, heareth nothing at all, and *Bothwel* heareth nothing. O marvellous deafness! All other throughout the town, as many as were awake were afraid, and as many as slept were awaked. At the last *Bothwel* riseth again, and in the self-same enterlude, by suddenly shifting from the poet, becometh a messenger, he runneth to the Queen, and thither resorted many others also that lodged in the palace. To some the matter seemed true, to some feigned, to some marvellous. What doth the Queen the whilst? What should she do? She temperately broodeth good luck, she reflecteth sweetly till the next day at noon: Yet, the day following, to observe decorum, and comely convenience in her part, without marring the play, she counterfeiteth a mourning; which yet neither her joyfulness dwelling withal in heart suffereth long to be feigned, nor shame permitteth to be wholly neglected. These things thus lying open before your eyes, thus palpable with hands, thus fast imprinted in mens ears and knowledge, stand we yet enquiring for the author
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of the murder, as though it were doubtful? But, ye say, the Queen denieth it. What denieth she? forsooth, that she did the murder: As though there were so great a difference, if one should be the author, or the executioner; yet he commands it, and commits it: She gave her counsel, her furtherance, her power and authority to the doing of it. Neither is the cause unknown why she did it; even that the same filrhy marriage with *Bothwel* might be accomplished. Though all which arguments, and so many witnesses of them that were privy to it, failed; yet by her own testimony, by her own letters, it must needs be confessed. And though all other things wanted, these things that followed the murder do plainly declare the doer, namely, that at the slaughter of her husband she sorrowed not, but quietly rested, as after a gay enterprize well achieved; that she mourned not, but in manner openly joyed; that she could abide, not only to look upon his dead body, but also greedily beheld it; that she secretly in the night buried him without funeral pomp, or rather hid him like a thief: for that same so inconstant counterfeiting or mourning did plainly bewray itself. For what meant that removing to *Setons*? Why shunned she the town's resort, and people's eyes? Was it because she was ashamed to mourn openly? or because she could not well cloak her joy?

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or secretly to give herself all to sorrow? No, for at *Setons* she threw away all her disguised personage of mourning; she went daily into the fields among ruffians; and not only resorted to her former custom, but also affected to exercise manly pastimes, and that among men, and openly. So lightly she despised the opinion and speech of her country. But I beshrew that same *Killegree*, and that same *Monsieur de Croc*, that came upon her so unseasonably, and shewed to others her counterfeited person unvizzored. For had not they been, many things that were done might have been denied, many things might have been handsomely feigned, and much of the matter might have been helped by forged rumours.

BUT they will say, there was a solemn enquiry for the murder. Forsooth, by *Bothwell* himself principally, and by some other that then laboured, and yet at this day do labour to deliver the persons guilty thereof, from punishment of law, and do now plainly shew what they then secretly meant: But with what diligence, with what upright severity was that enquiry handled? A few poor souls, the next dwelling neighbours to the King's lodging, being call'd, neither durst tell what they had seen and heard, and if they touched any thing near the matter, either they were with fear put to silence, or despised as of no credit: the wiser sort of

them durst not offend *Bothwel*, that fate among the judges. One or two of the King's servants, that escaped the mischance, were examined which way the murderers came in. Forsooth, say they, we had not the keys. Who then had them? It was answered, that the Queen had them. So began the secrets of the Court to break out. Then was that enquiry adjourned, and never recontinued. What can be more severe and upright than this enquiry? and yet they prevailed nothing by it: For what the examiners would have had kept secret, That the people cried out openly; that which they suppressed, burst forth; and that which they cloaked in secret, it breaketh out into broad light. But there was a proclamation set forth, with pardon of the fact, and promise of reward to him that would utter it? Why? who had been so mad, that he durst, in so manifest peril of his life, bear witness, or give information against the judges themselves, in whose power lay his life and death? It was likely, forsooth, that they which had murdered a King, would spare him that should disclose the murderer, especially when all men saw that the enquiry of the King's slaughter was quite omitted, and the other enquiry severely pursued concerning books accusing the slaughter. What manner of judgment it was whereby *Bothwel* was acquitted, you have heard. Forsooth by him-
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self procured, the judges by himself chosen, the accusers by himself suborned, lawful accusers forbidden to be present, unless they would yield their throats to their enemies weapons; the assizes appointed neither to a day, according to the law of the land, nor after the manner of the country; nor to enquire of the murder of the King, but of such a murder as was alledged to be committed the day before that the King was slain. Here, when *Bothwel* by his friendship and power, and the Queen by prayer and threatening travailing with the judges, do you now expect what sentence men, chosen against law, and against the custom of the land, have pronounced? In their judgment, they touched the matter nothing at all; only this they have declared, that it was no lawful judgment, in this, that with a special protestation they provided, that it should not be prejudicial to them in time to come. Then, that all men might understand what it was that they sought by sword, fire and poyson, they jumble up marriages; one is divorced, another is coupled, and that in such posting speed, as they might scant have hasted to furnish a triumph of some noble victory. Yet, that in these unlawful weddings some shew of lawful order might be observed, the goodly banes were openly proclaimed. For publishing whereof, though the minister of the church was threatned

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with death if he did it not, yet, at the time of his publishing, himself openly protested, that he knew cause of exception, why that marriage was not lawful. But in such a multitude assembled, how few were they that knew it not? sith all could well remember that *Bothwel* had then alive two wives already not yet divorced, and the third neither lawfully married, nor orderly divorced. But that was not it that was intended, to observe the ceremonies of lawful order; but (as they do use in Enterludes) they provided a certain shew, or disguised counterfeiting of common usage. For he that hath oft broken all humane laws, and hath cast away all conscience and religion, could easily neglect the course of God's law.

Now, I suppose, I have briefly declared (in respect of the greatness of the matter) and yet perhaps in more words than needed (the plainness of the proofs considered) of what purpose, by what counsel, and upon what hope, that heinous murder was attempted, with what cruelty it was executed, by what tokens, advertisements, testimonies, and letters of the Queen herself, the whole matter is proved, and so plainly proved, that it may be as openly seen, as if it lay before your eyes; yet will I shew forth the testimony of the whole people, which I think worthy not to be neglected: For several men do commonly deceive, and are deceived by others,

others, but no man deceiveth all men, nor is deceived by all. This testimony of the people is this. When at the Queens going abroad among the people, the greatest part of the commons were wont to make acclamations, wishing her well and happily, with such speeches as either love enforceth, or flattery inventeth: Now at her going after the King's slaughter to the castle, through the chief and most populous street of the town, there was all the way a sad glooming silence. And when any woman alone of the multitude had cryed, *God save the Queen*, another by and by so cryed out, as all men might hear her; *So be it to every one as they have deserved.*

ALBEIT these things were thus done as I have declared, yet there are some that stick not to say that the Queen was not only hardly, but also cruelly dealt with, that after so detestable a fact, she was removed from her regency; and when they could not deny the fact they complained of the punishment. I do not think there will be any man so shameless to think that so horrible a fact ought to have no punishment at all. But if they complain of the grievousness of the penalty, I fear least, to all good men, we may seem not to have done so gently and temperately, as loosely and negligently, that have laid so light a penalty upon an offence so heinous, and such as was never heard of before. For what can be done cruelly against the author of so outrageous a deed, wherein all laws of

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God and man are violated, despised, and in a manner wholly extinguished? Every several offence hath his punishment both by God and man appointed: And as there be certain degrees of evil deeds, so are there also encreases in the quantities of punishments. If one have killed a man, it is a deed of it self very heinous. What if he have killed his familiar friend? What if his father? What if in one foul fact he hath joyned all these offences together? Surely of such a one, neither can his life suffice for imposing, nor his body for bearing, nor the Judges policy for inventing pain enough for him. Which of these faults is not comprised in this offence? I omit the mean common matters, the murdering of a young Gentleman, an innocent, her countryman, her kinsman, her familiar, and her Cousin german. Let us also excuse the fact, if it be possible. She unadvisedly, a young woman, angry, offended, and one of great innocency of life till this time, hath slain a lewd young man, and adulterer, and unkind husband, and a cruel King.

IF not any one, but all these respects together, were in this matter, they ought not to avail to shift off all punishment, but to raise some pity of the case. But what say you that none of these things can so much as be falsely pretended? The fact it self, of it self is odious: In a woman, it is monstrous: In a wife not only excessively loved, but also
most

most zealously honoured, it is incredible? And being committed against him whose age craved pardon, whose hearty affection required love, whose nighness of kindred asked reverence, whose innocence might have deserved favour, upon that young man I say, in whom there is not so much as alledged any just cause of offence, thus to execute and spend, yea, to exceed all torments due to all offences, in what degree of cruelty shall we account it? But let these things avail in other persons to raise hatred, to bring punishment, and to make examples to posterity. But in this case let us bear much with her youth, much with her Nobility, much with the name of a Princess. As for mine own part, I am not one that thinks it always good to use extream strictness of law, no not in private, mean, and common persons. But in a most heinous misdeed, to dissolve all force of law, and where is no measure of ill doing, there to descend beneath all measure in punishing, were the way to the undoing of all laws, and the overthrow of all humane society. But in this one horrible act is such a hotchpotch of all abominable doings, such an eagerness of all outrageous crueltie, such a forgetfulness of all natural affection, as nothing more can be feigned or imagined. I omit all former matters.

I will not curiously enquire upon Prince's doings, I will not weigh them by the com-

mon beam, I will not restrain them to common degrees of duties. If there be any thing that without great offence may be passed over, I will gladly leave it unspoken of; if there be any thing that may receive excuse, either by respect of age, or of woman kind, yea or of unadvisedness, I will not urge it. And to pass over all the rest, two heinous offences there be, that neither according to their greatness be fully expressed, nor according to their outrage be sufficiently punished, I mean the violating of matrimony, and of royal Majesty. For matrimony, (as the Apostle saith) doth truly contain a great mystery. For, as being observed, it compriseth within it all inferiour kinds of duties, so being broken, it overthroweth them all. Whoso hath misused his father, seemeth to cast out of his heart all natural reverence, but for the husbands sake *one shall love both Father and Mother.* Of all other duties, the degrees, or like observances, either are not at all in brute creatures, or not so plain to be discerned: But of matrimonial love, there is almost no living creature that hath not some feeling. This mystery therefore whoso not only violateth, but also despiseth, he doth not only overthrow all the foundations of human fellowship; but, as much as in him lyeth, dissolveth and confoundeth all order of nature. Whosoever (I do not say) hurteth the King, that is the true Image of God in earth, but
slayeth

slayeth him with strange and unwonted sort of cruelty, so as the untemperate and incredible outrageousness is not contented with simple torment, seemeth he not, as much as in him lieth, to have a desire to pull God out of Heaven? What refuge have they then left themselves to mercy, that in satisfying their lust of unjust hatred, have exceeded, not only all measure of cruelty, but also all likelihood, that it can be credible.

BUT they will say, we ought to bear with, and spare her nobility, dignity and age. Be it so, if she have spared him in whom all these respects were greater, or at least equal. Let the Majesty of royal name avail her. How much it ought to avail to her preserving, her self hath shewed the example. May we commit our safety to her, who a sister, hath butcherly slaughtered her brother, a wife her husband, a Queen her King? May we commit our safety to her, whom never shame restrained from unchastity, woman-kind from cruelty, nor religion from impiety? Shall we bear with her age, sex and unadvisedness, that without all just causes of hatred, despised all these things in her kinsman, her King, her husband? She that hath sought such execution of her wrongful wrath, what shall we think she will do being provoked by reproaches to men not knit to her by kindred, subject to her pleasure, not matched with her in equal fellowship of life, but yeilded to her governance,

nance, and enthralled to her tormenting cruelty? When rage for interrupting her pleasure, and out-rage of nature, strengthened with armour of licentious power, shall ragingly triumph upon the goods and blood of poor subjects? What is then the fault whereof we are accused, what cruelties have we shewed? That a woman raging without measure and modesty, and abusing to all her Subjects destruction, the force of her power, that she had received for their safety, we have kept under governance of her kinsmen and well-willing friends: And whom by right, we might for her heinous deeds have executed, her we have touched with no other punishment, but only restrained her from doing more mischief. For we deprived her not of Liberty, but of unbridled licentiousness of evil doing. Wherein we more fear among all good men, the blame of too much lenity, than among evil men the slander of cruelty.

THESE were the causes that moved the Queen to this matter. *Bothwel* also had his reasons, which not a little troubled his mind. For when that same infamous acquital rather encreased, than abated the suspicion, and the matter could not be alway kept close, he fleeth to his last refuge, to obtain of the Queen a pardon of all his offences. But when by the law of the land in such Charters of pardon, the greatest offence must be expressly mentioned, and the rest it sufficed to include in general

neral words, and expresly to confess, the murder of the King seemed to stand neither with his honour, nor with his safety: He was driven of necessity either to invent or commit some other crime, either more grievous, or at the least as heinous, under which the slaughter of the King might lurk in shadow of general words unexpressed. They could devise none other but the same counterfeit ravishment of the Queen, whereby both the Queen provided for enjoying her pleasure, and *Bothwel*, for his safety.

Memorandum, that in the Castle of *Edinburgh*, there was left by the Earl *Bothwel*, before his fleeing away, and was sent for by one *George English* his servant, who was taken by the Earl *Moreton*, one small gilt Coffe, not fully a foot long, being garnished in sundry places with the *Roman* letter *F.* under a King's Crown, wherein were certain letters and writings well known, and by oaths to be affirmed, to have been written with the Queen of *Scot's* own hand to the Earl *Bothwel*.

Beside those writings, there was also extant a writing written in *Roman* hand in *French*, to be avowed to be written by the said Queen of *Scots* herself, being a promise of Marriage to the said *Bothwel*: Which writing being without date, and though some words therein seem to the contrary, yet is upon credible grounds

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grounds supposed to have been made and written by her before the death of her Husband, the tenor whereof thus beginneth.

Nous Marie par le grace de Dieu, &c.

We Mary by the grace of God, &c.

THERE is also another writing in Scottish, avowed to be wholly written by the Earl *Huntley*, dated the fifth of *April*, 1567. containing a form of contract of marriage betwixt the said Queen and Earl *Bothwel*, subscribed *Mary*, which is to be avowed to be the proper hand of the said Queen; and underneath it, *James* Earl *Bothwel*, which also is to be avowed to be the proper hand of the Earl *Bothwel*, at which time he was commonly defamed of the King's slaughter, and not cleansed or acquit thereof before the thirteenth of *April* following. The tenor of which contract here ensueth.

AT *Seyton*, the fifth day of *April*, in the year of God, 1567. The right excellent, right high and mighty Princess *Mary*, by the grace of God Queen of *Scots*, considering the place and estate wherein Almighty God hath constituted her Highness, and how by the decease of the King her husband, her Majesty is now destitute of a husband, living solitary in the state of widowhood. In the which kind of life her Majesty most willingly would

con-

continue, if the will of her realm, and subjects would permit it. But on the other part, considering the inconveniencies may follow, and the necessity which the Realm hath, that her Majesty be coupled with an husband, her Highness hath an inclination to marry. And seeing what incommmodity may come to this realm, in case her Majesty should join in marriage with any foreign Prince of a strange Nation, her Highness has thought rather to yield unto one of her own subjects. Amongst whom, her Majesty finds none more able, nor endued with better qualities than the right noble, and her dear Cousin *James*, Earl *Bothwel*, &c. Of whose thankful and true service, her Highness in all times by-past has had large proof, and infallible experience. And seeing not only the same good mind constantly persevering in him, but with that an inward affection, and hearty love towards her Majesty, her Highness amongst the rest, hath made her choice of him. And therefore in the presence of the eternal God faithfully, and in the word of a Prince, by these presents takes the said *James* Earl *Bothwel* as her lawful husband. And promises and obliges her Highness, that as soon as the Process of divorce intended betwixt the said Earl *Bothwel* and Dame *Jane Gordon*, now his pretended Spouse, be ended by the order of the laws, her Majesty shall God willing thereafter shortly marry, and take the said Earl to
her

her husband, and compleat the band of Matrimony with him in the face of holy Church.

Item, *To the Duke of Norfolk, &c.* And shall never marry *any other husband* but him only during his life-time. And as her Majesty

of her gracious humanity, and proper motive, without deserving of the said Earl, hath thus inclined her favour and affection towards him, he humbly, and reverently acknowledging the same, according to his bounden duty, and being as free and able to make promise of marriage, in respect of the said Process of divorce intended for divers reasonable causes, and that his said pretended Spouse hath thereunto consented, he presently takes her Majesty as his lawful Spouse, in the presence of God. And promises and obligeth him, as he will answer to God, and upon his fidelity and honour, that in all diligence possible, he shall prosecute and set forward the said Process of divorce already began and intended betwixt him and the said Dame *Jane Gordon* his pretended Spouse, unto the final end of a Decree and Declaration therein. And incontinent thereafter, at her Majesties good will and pleasure, and when her highness thinks convenient shall compleat and solemnize in face of holy Church, the said band of Matrimony with her Majesty, and love, honour, and serve her Highness, according to the place and honour that it have pleased her Majesty to accept him unto, and
never

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never to have any other to his wife during her Majesty's life time. In faith and witnessing whereof, her Highness and the said Earl hath subscribed this present faithful promise, with their hands, as followeth, day, year, and place aforesaid, before these witnesses; *George Earl Huntly*, and Master *Thomas Hepburn*, Parson of *Old Hanstock*, &c.

Sic subscribitur, MARY R.
James *Earl Bothwel.*

HERE note, that this contract was made the 5th of *April*, within eight weeks after the murder of the King, which was slain the 10th of *February* before. Also it was made seven days before that *Bothwel* was acquitted by corrupt judgment of the said murder.

ALSO it appeareth by the words of the contract itself, that it was made before sentence of divorce between *Bothwel* and his former wife: And also, in very truth, was made before any suit of divorce intended or begun between him and his former wife, though some words in this contract seem to say otherwise. Which is thus proved. For this contract is dated the 5th of *April*; and it plainly appeareth by the judicial acts before the two several ecclesiastical ordinary judges, wherein is contained the whole process of the divorce between the said Earl and Dame *Jane Gourdon* his wife, that one
of

of the same processes was intended and begun the 26th day of *April*, and the other the 27th day.

ALSO there are extant the Records of the Justices Court holden at *Edinburgh* the said 12th day of *April*, some copies whereof have been exemplified and signed with the hand of *John Bellenden* Clerk of the Court, among which is the indictment of *Bothwel*. The tenor of which Records, with the assize and verdict, do here follow :

C*Uria justiciarie S. D. N. Reginae, tenta & inchoata in prætorio de Edinburgh duodecimo die mensis Aprilis, Anno 1567. per nobilem & potentem Dominum Archibaldum Comitem Ergadiæ, Dominum Campbell & Lorne justiciarium generalem ejusdem S. D. N. Reginae, totius Regni sui ubilibet constitutum sen. vocatum, & curia legitime affirmata.*

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IN the which Court appeared personally in judgment Mr. *John Spens* of *Condie*, and *Robert Creycghton* of *Chock*, advocates to our Sovereign Lady, in her name; and there the said Mr. *John Spens* produced our Sovereign Lady's letter excute and indorsed, together with the indictment: Of the which letters, indorsing thereof, and indictment, the tenors hereafter follow, that is to say,

MARY, by the Grace of God, Queen of Scots, to our trusty and well-beloved William Purwes, Mr. Lawson, and Gawine Ramsay, Messengers, our Sheriffs in that part conjunctly and severally specially constituted, greeting. Forasmuch as it is humbly meant and shewed to us, by our trusty and beloved Clerks and Counsellors, Mr. John Spens of Condie, and Robert Creycghton of Chock, our Advocates: That whereas they are informed that our trusty Cousin and Counsellor Matthew Earl of Lenox, Father to the King our dearest Spouse, hath delated James Earl Bothwell, Lord Halis and Creycghton, &c. and certain others of the treasonable, cruel, odious, and abominable slaughter and murder of his grace, committed upon the ninth day of February last past, under silence of the night, within his lodging, for the time, within our Bour of Edinburgh, near the Church in the field, upon provision, set-purpose, and fore-thought fello-

ny. And hath declared unto us the suspicion had of the said Earl and others, as committers of the said odious, cruel and abominable deed. Whereto we being most earnestly bent, minded, and willing to have trial taken therein, by order of justice, with all diligence and expedition possible, have, with advice of the Lords of our secret counsel, and also of the humble desire of the said Earl Bothwel, made in our and their presence, who offereth himself willing to undergo the trial of a condign Assize, according to the Laws of our Realm for declaring of this part, have ordained a Court of Justice, to be set and holden in the Tolebooth of Edinburgh, the 12th day of April next ensuing, for executing of justice upon the said Earl, and otherwise, for the cruel, odious, foul, and abominable crime and offence; as is more at large contained in an Act made in the books of our secret counsel thereupon.

Our will therefore is, and we charge you strictly, and command, that immediately at the sight of these our letters, ye go, and in our name and authority, warn the said Matthew Earl of Lennox, personally, or at his dwelling place, and all other our liege people having or pretending to have interest in the said matter, by open Proclamation at the Market-crosses of our Boroughs of Edinburgh, Dunbarton, Glascow, Lanerk, and

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and other places needful, to appear before our Justice, or his Deputies, in our Tolebooth of Edinburgh, the said 12th day of April next ensuing, to pursue and concur with us in the said action: With certification to them, that if they fail, that our Justice, or his Deputies, will proceed and do Justice in the said matter the said day, conformable to the Laws and Constitutions of our Realm, without any longer delay or continuation: And that ye summon an Assize to this end, every person under the pain of forty pounds, as ye will answer to us thereupon. The which to do, we commit to you, joyntly and severally, our full power by these our letters, delivering them by you duly to be executed, and indorsed again to the bearer.

Given under our signet at Edinburgh, the 27th of March, in the 25th year of our Reign, 1567.

Ex deliberatione Dominorum consilii Regi.

Sic subscribitur, MARY.

Indorsements of the said Letters.

UPON the 29th day of March, in the year of God 1567. I William Purwes, Messenger, one of the Sheriffs in that part within constituted, past at command of

these our Sovereign Lady's letters, and in her Grace's name and authority, warned *Matthew* Earl of *Lennox*, and all other her Majesty's lieges, having or pretending to have interest in the matter within specified, by open proclamation at the Market-cross of the Borough of *Edinburgh*, to appear before the Justice, or his Deputies, in the Tolbooth of *Edinburgh*, the 12th day of *April* next ensuing, to pursue and concur with our said Sovereign Lady in the action within mentioned, with certification as is within expressed, after the form and tenor of these letters, whereof I affixed one copy upon the said Market-cross. This I did before these witnesses, *John Anderson* and *David Lant*, with divers others. And for more witnessing to this my execution and indorsement, my signet is affixed.

UPON the last day of *March*, the first and second days of *April*, in the year of God above written, I *Gowine Ramsy*, Messenger, one of the Sheriffs, in that part within constituted, past at commandment of these our Sovereign Lady's letters, and in her Grace's name and authority, warned the said *Matthew* Earl of *Lennox*, at his dwelling places in *Glasgow* and *Dunbertane* respectively, because I searched, and sought, and could not apprehend him personally, and all other her Majesty's lieges, having
and

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and pretending to have interest to pursue in the matter herein expressed, by proclamation at the Market-crosses of the Boroughs of *Glasgow*, *Dunbertane* and *Lanerk*, for to appear before the Justice, or his Deputies, in the said Tole-booth of *Edinburgh*, the said 12th day of *April* next to come, to pursue and concur with our said Sovereign Lady in the action within written, with certification, as is within mentioned, after the form and tenor of these Letters, whereof affixed one copy upon every one of the said Market-crosses. This I did before these witnesses, *George Herbesoun*, *Nicholas Andro*, *Robert Letrik*, Messengers; *William Smollet*, *David Robertson*, *James Smollet*, *John Hamilton*, *James Bannatine*, and *Robert Hamilton*, with divers others. And for more witnessing hereof my signet is affixed; subscribed with my hand,

Gawin Ramsy, Messenger.

U P O N the first day of *April*, the year of God 1567. I *William Lawson*, Messenger, Sheriff in that part within constituted, past at command of these our Sovereign Lady's letters, to the Market-cross of *Perth*, and there, by open proclamation, lawfully warned *Matthew Earl of Lennox*, and all others our Sovereign Lady's lieges, having

or pretending to have interests to pursue *James Earl Bothwel, Lord Hailes, and Creycghton. &c.* And certain others, for the cruel slaughter and murder of the King's grace, and affixed one Copy upon the said Crosses, after the form and tenour of these Letters. And this I did before these witnesses, *James Marschel, Alex. Borthuikie, and John Anderson,* Messengers, with divers others. And for the more witnessing of this my execution and indorsement, I have subscribed this with my hand.

Will. Lawson, Messenger.

The Indictmenr.

JAMES *Earl Bothwel, Lord Halis, and Creycghton, &c.* You are indicted for acting part of the cruel, odious, treasonable, and abominable slaughter and murder of the late, the right excellent, right high and mighty Prince, the King's grace, dearest spouse, for the time, to our Sovereign Lady the Queen's Majesty, under silence of night, in his own lodging, besides the Church in the field within this burrow, he being taking the nights rest, treasonably raising fire within the same, with a great quantity of Powder. Through force of the which, the said whole lodging was raised, and blown in the air. And the said late King was murdered treasonably and most cruelly slain and destroyed by
you

you therein upon set purpose, provision, and fore-thought felony. And this you did upon the ninth day of February last past, under silence of the night, as above said. As is notoriously known, the which you cannot deny.

UPON the which production of the fore-said Letters executed, indorsed an indicted, the said advocate asked an act of Court and instruments, and desired of the Justice process agreeable thereto.

THE said letters being openly read in Judgment with the indorsements thereof, the Justice by virtue of the same, caused to be called the said *James Earl Bothwel*, as Defendant on the one part, and *Matthew Earl of Lenox*, and all others our Sovereign Ladies liege people, having or pretending to pursue in the said matter, to appear before him in this Court of Justice, to pursue and defend according to the law.

IMMEDIATELY after there appeared in Judgment, the said *James Earl Bothwel*, and entered personally, and then made choice of Mr. *David Borthuick* of *Lutchthil*, and Mr. *Edmund Hay* to be prolocutors for him, who also appeared personally in Judgment, and were admitted by the Justice to that effect.

THERE also appeared Mr. *Henry Kenrof*, alledging to be Proctor for *Andrew Master of Errole*, and produced in Judgment the writing and protestation under written, desiring the

same to be registred and inserted in the books of adjournal, the tenor whereof followeth.

THE same day appeared Mr. *Henry Kinross*, proctor for *Andrew* Master of *Errole*, Constable of *Scotland*, and alledged that the Constables for the time, of this Realm, hath been at all times by-past only Judges competent to all such persons as have been accused criminally, for committing of slaughter, murder, or of blood drawing near to the Prince's chamber, or within four miles of the same. And therefore the said Master now being Constable of this Realm, ought and should be the competent Judge to *James* Earl *Bothwell*, and others his alledged complices called this day, and to be accused for acting any part of the alledged cruelty, treasonable slaughter of the late *Henry* King of *Scots*. And in case *Archibald* Earl of *Argyle*, as chief Justice of this Realm, or his deputies proceed in the said cause, the said Master *Henry*, proctor aforesaid, protesteth solemnly, that the same proceeding therein, shall in no wise hurt, nor prejudice the said Constable in his office, rights, title of rights, interests, jurisdiction, or investment thereof in any sort, but that he may use and exercise his said jurisdiction in all such cases in times coming, conform to his investment of the said office, and use of cognoscing used by his predecessors, and before him in like causes. All which time he makes it known, either
by

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by investment or other ways sufficiently, him to have jurisdiction in such causes. And desires the same protestation to be inserted in the book of adjournal, and admit it under protestation, that he affirm not the Lord Justice jurisdiction in any sort in proceeding in the said matter.

THE Justice, being advised with the said alleadgance and protestation, found by interlocutor, and ordained that process should be laid by him in this matter, notwithstanding the same, in respect that nothing was shown by the said Mr. *Henry*, to verifie the contents of the said alleadgance and protestation. Whereupon the said Earl *Bothwel* asked a note of Court and instrument.

THE said *Matthew* Earl of *Levenox* and others our Sovereign Ladies lieges, having or pretending to have interest to pursue in the said matter, being oftentimes called, to have appeared and concurred with the said advocates, in pursuing of the said action, *Robert Cunningham* appeared, alledging him servant to the said *Matthew* Earl of *Lenox*, and produced the writing under written, which he subscribed with his hand in Judgment. As he that had power to use the same, and protested it, and desired to conform thereto in all points. Of the which writing the tenor follows.

MY Lords I am come here, sent by my Master my Lord of *Lenox*, to declare the
cause

cause of his absence this day, and with his power as the same bears. The cause of his absence is the shortness of time; and that he is denied of his friends and servants, who should have accompanied him to his honour and security of his life, in respect of the greatness of his party, and he having assistance of no friends but only himself. And therefore his L. commanded me to desire a sufficient day, according to the weight of the cause, therefore he may keep the same. And if your L. will proceed at this present, I protest that I may without any displeasure of any man, use these things committed to my charge by my Lord my Master. Whereof I take a document.

Item, I protest, that if the persons who pass upon assize and inquest of these persons that shall enter on pannel this day, clear the said persons of the murder of the King, that it shall be willful error and not ignorance, by reason that it is notoriously known those persons to be the murtherers of the King, as my Lord my Master alledges, upon the which protestation I require a document. *Sic subscribitur*, ROBERT CUNNINGHAM.

UPON the production of the which writing and protestation, the said *Robert* asked acts and instruments.

THE Justice, being advised with the afore-said writing and protestation produced, and used by the said *Robert Cunningham* in respect

spect of the letters and writings sent to our sovereign by the said *Matthew L. of Lenox*, produced it, and read it in a Court, whereof the copies are under written By the which letters and writings, the said Earl of *Lenox* desired a short and summary process to be deduced in the said matter, and also of the act and ordinance of the Lords of the secret Council granted thereupon, and such like in respect of the earnest insisting of the Advocates, desiring process and right suit of the said Earl *Bothwell's* earnest petition and desire of trial to be had in the said matter, with the advice of the Lords and Barons assessors present, and by an interlocutor, that process should be deduced in the said action this day, according to the laws of this Realm. Notwithstanding the writing and protestation produced by the said *Robert Cunningham*, and likewise admit him to concur and assist the said advocates in the pursuance of the said action, if he pleased.

Here followeth the Copies of the Letters and Writings sent to the Queen's Majesty, by the said Earl of Lenox.

I Render most humble thanks unto your Majesty for your gracious and comfortable letter which I received the 24th day of this instant. And whereas I perceive by the same, that it is your Majesty's pleasure to
remit

remit the trial of this late odious act to the time of a parliament. May it please your Majesty, although I am assured your Highness thinks the time as long as I do till the matter be tried, and the authors of the deed condignally punished; yet I shall humbly crave your Majesty's pardon in troubling your Highness so oft therein as I do; for the matter toucheth me so near, I beseech your Majesty most humbly to accept this my simple advice in good part, as follows: Which is, that whereas the time is long to the parliament, this matter not being a parliament matter, but of such weight and validity, which ought rather to be with all expedition and diligence sought out and punished, to the example of the whole world, as I know your Majesty's wisdom considers the same far more than my wits can comprehend; yet, forasmuch as I hear of certain tickets that have been put on the Tolebooth door of *Edinburgh*, answering your Majesty's first and second Proclamations, which mentions in special, the names of certain persons, devisors of the cruel murder, I shall therefore most humbly beseech your Majesty, for the love of God, the honour of your Majesty, your Realm, and the weal and tranquility thereof, that it would please your Majesty forthwith, not only to apprehend and put in sure keeping the persons named in the said tickets, but also with diligence, to assemble
your

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your Majesty's Nobility, and then by open Proclamation, to admonish and require the writers of the said tickets to appear according to the effect thereof, at the which time, if they do not, your Majesty, may by advice of your Nobility and Counsel, relieve and set at liberty the persons named in the ticket aforesaid. So shall your Majesty do an honourable and godly act in the bringing the matter to such a narrow point as either the matter shall appear plainly before your Majesty, to the punishment of those who have been the authors of this cruel deed, or else the said tickets found vain in their selves, and the persons which are slandered to be exonerated and set at liberty at your Majesty's pleasure. So I commit your Majesty to the protection of Almighty God, to preserve you in health, and most happy reign. Of *Howston* the 26th day of *February*.

MAY it please your Majesty, where your Highness in your last letter writes to me, that if there be any names in the tickets that was affixt upon the Tolbooth door of *Edinburgh*, that I think worthy to suffer a trial for the murther of the King your Majesty's husband, upon my advertisement, your Majesty should proceed to the cognition taking, as may stand with the laws of this Realm, and being found culpable, shall see the punishment as rigorously executed as the weight of
the

the crime deserves. May it please your Majesty, since the receipt of your Highness Letter, I have still lookt that some of the bloody murderers should have been openly known ere now. And seeing they are not yet, I cannot find in my heart to conceal the matter any longer, but let your Majesty understand the names of them whom I greatly suspect, that is to say, the Earl *Bothwel*, Mr. *James Balfor*, and *Gilbert Balfor* his brother, Mr. *David Chamer*, *Blackmaster*, *John Spens*, *Senior Francis*, *Bastian*, *John the Burdeavix*, and *Joseph*, *David's* brother. Which persons I most intirely and humbly beseech your Majesty, that according to my former Petition unto your Highness, it will please, not only to apprehend and put in sure keeping, but as with diligence to assemble your Majesty's whole Nobility and Council, and then to take such perfect order of the aforementioned persons, that they may be justly tried, as I doubt not but in so doing the spirit of God shall work in the said matter, that the truth shall be known. So shall your Majesty do a most godly and honourble act, for your self being the party as you are, a great satisfaction it shall be to all that belongs unto him that is gone, who was so dear unto your Highness. And now not doubting but your Majesty will take order in the matter according to the weight of the cause, which I most humbly beseech, I commit your Majesty to
the

MARY Queen of Scots. I I I

the protection of the Almighty God, who preserve you in health, long life, and most happy Reign. Of *Howston* this seventeenth of *March*.

Affizes.

Andro Earl of *Rothies*.

George Earl of *Caithnes*.

Gilbert Earl of *Cassillis*.

Lord John Hamilton, Commander of
Arbrocht, son to the Lord Duke.

James Lord *Rosse*.

Robert Lord *Sunple*.

John Maxwell Lord *Hereif*.

Laurence Lord *Oliphant*.

John Master of *Forvefs*.

John Gordon of *Lothinware*.

Robert Lord *Boyd*.

James Cockbourn of *Launton*.

John Somervile of *Cambusnethan*.

Mowbray of *Bern Buxal*.

Ogilby of *Boyn*.

THE forenamed persons of Affize being chosen, admitted and sworn in judgment, as the use is. And therefore the said Earl *Bothwel* being accused by the said dictate of the
crime

crime aforesaid, and the same being denied by him, and referred to the deliverance of the said Assize, they removed out of the said Court, and all together convened, and after long reasoning had by them upon the same dictate and points thereof, they and eke one of them for themselves voted, delivered, and acquit the said *James Earl Bothwell* of act and part of the said slaughter of the King, and points of the said dictate.

AND since the said *George Earl of Caithnes*, Chancellor of the said Assizes in his and their names asked instruments, that neither the said advocates, nor the said *Robert Cunningham* as have had commission of my Lord of *Lenox*, nor no other brought into them any writing, token, or verification, whereby the dictate above written might be forfeit, nor the said Assize perswaded to deliver any otherwise, than is above written. Nor yet was the said dictate sworn, nor no party, except the said advocates, competent to pursue the same, and therefore in respect that they delivered according to their knowledge, protests that they should incur no willful error in any wise hereafter. Which instrument and protestation immediately after the re-entry of the said Earl of *Caithnes* Chancellor, and one part of the named of the said persons of Assize in the said Court of Justiciary, before the pronunciation of their deliverance aforesaid, at the desire of the said Earl of *Caithnes* was
openly

openly read in judgment. And thereupon he of new asked acts and instruments, and protesteth in manner above expressed.

E*Xtractum de libro actorum adjournalis S. D. N. Reginae. Per me Joannem Bellenden de Auchnoule militem, Clericum Justiciariae ejusdem generalem. Sub meis signo & subscriptione mannalibus.*

Johannes Bellenden, *Clericus Justiciariae.*

NOTE that at the same time protestation was made by *George Earl of Caithnes*, Chancellor of the said assize, that the said dictate or indictment was not in this point true, *viz.* in alledging the murder to be committed the ninth day of *February*; for that indeed the murder was committed the next day, being the tenth day in the morning, at two hours after midnight: Which in law was, and ought to be, truly accounted the tenth day; and so the acquital, that way, but cavillingly defended.





*The Writings and Letters
found in the said Casket,
which are avowed to be
written with the Scottish
Queen's own Hand.*

Certain *French* Sonnets, written by the Queen of Scots to *Bothwel*, before her marriage with him, and (as it is said) while her husband lived; but certainly before his divorce from his wife, as the words themselves shew, before whom she here preferreth herself in deserving to be beloved of *Bothwel*.

O Dieux ayez de moy compassion,
Et m'enseignex quelle preuve certain
Je puis donner qui ne luy semble vain
De mon amour & ferme affection.
Las ! n'est il pas ja en possession
Du corps, du cœur qui ne refuse pain
Ny dishonneur, en la vie incertain,
Offense de parents, ne pire affliction ?
Pour luy tous mes ames j'estime moins que rien,
Et de mes ennemis je veux esperer bien.

J'ay hazardé pour luy & nom & conscience :
 Je veux pour luy au monde rezonter :
 Je veux mourir pour luy auancer.
 Eu reste il plus pour prouuer ma constance ?
 Entre ses mains & en son plein pouveir
 Je metz mon filz, mon honneur, & may vie,
 Mon pais, mes subjectz mon ame assubjectie
 Est tout à luy, & n'ay autoe vaulloir
 Pour mon object que sans le decevoir
 Suiure je veux malgré toute l'envie
 Qu' issir en peult, Car je u' autre è vie
 Que de ma foy, luy faire appercevoir
 Que pour tempeste ou bonnace qui face
 Jamais ne veux changer demeure ou place.
 Brief je feray de ma foy telle preuue,
 Qu'il cognoistra sans fainte ma constance,
 Non par mes pleurs ou fainte obeyssance,
 Comme autres ont fait, mais par divers espreuue.

Elle pour son honneur vous doit obeyssance
 Moy vous obeyssant j'en puis recevoir blasme,
 N'estat, à mo regret, comme elle vostre femme.
 Et si n'aura pour tant en ce point preeminence.
 Pour son profit elle use de constance,
 Carce n'est peu d'honneur d'estre de voz biens dame
 Et moy pour vous aimer j'en puis recevoir blasme
 Et ne luy veux beder en toute l'observance
 Elle de vostre mal n' à l'apprehension
 Moy je n'ay nul repos tant je crains l'apparence
 Par l'aduis des parentz, elle eut vestre accointance
 Moy maugré tous les miens vous porte affection
 Et de sa loyauté prenez ferme assurance.

Par vous mon cœur & par vostre alliance
 Elle à remis sa maison en honneur
 Elle à jouy par vous la grandeur
 Dont tous les siens n'ayent nul assurance

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De vous mon bien elle à eu la constance,
 Et à gaigné pour un temps vostre cœur,
 Par vous elle à eu plaisir en bon heur,
 Et pour vous à receu honneur & reverence,
 Et n' à perdu sin on la jovissance
 D'un fâscheux sot qu'elle aymoît cherement.
 Je ne la playns d'aymer donc ardamment,
 Celuy qui n' à en sens, ny en vaillance,
 En beauté, en bonté, ny en constance
 Point de seconde. Je vis en ceste foy,

Quant vous l'amiez, elle uçoit de froideur.
 Sy vous souffriez, pour s'amour passion
 Qui vient d'aymer de trop d'affection,
 Son dõig monstroît, la tristesse de cœur
 N'ayant plaisir de vostre grand ardeur
 En ses habitz, monstroît sans fiction
 Qu'elle n'avoit paour qu'imperfection
 Peust l'effacer hors de ce loyal cœur.
 De vostre mort je ne vis la peau
 Que meritoit tel mary & seigneur.
 Comme de vous elle à eu tout son bien
 Et n' à prisé ne jamais estimé
 Un si grand heur si non puis qu'il n'est sîer
 Et maintenant dit l'avoir tant aymé.

Et maintenant elle commence à voir
 Qu'elle estoit bien de mauvais jugement
 De n'estimer l'amour d'un tel amant
 Et voudroit bien mon amy decevoir,
 Par les escriptz tout fardez de scarvoir
 Qui pourtant n'est en son esprit croissant
 Ains emprunté de quelque autheur luisant.
 A faint tres bien un envoy sans l'avoir
 Et toutes fois ses parolles fardez,
 Ses pleurs, ses plaincts remplis de fictions,
 Et ses hauts cris & lamentations,

Ont tant gaigné qui par vous sont gardez,
Ses lettres escriptes ausquelles vous donnez foy
Et si l' aymez & croyez plus que moy.

Vous lay croyez, las ! trop je l' apperceoy
Et vous doutez, de ma ferme constance,
O mon seul bien & mon seul esperance,
Et ne vous puis je asseurer de ma foy
Vous m' estimez leger que je voy,
Et si n' avez en moy nul assurance,
Et soupconnez mon cœur sans apparence,
Vous deffiant à trop grand tort de moy.
Vous ignorez l' amour que je vous porte,
Vous soupconnez qu' autre amour me transporte,
Vous estimez mes parolles du vent,
Vous depeignez de cire mon las cœur,
Vous me pensez femme sans jugement.
Et tout cela augmente mon ardeur.

Mon amour croist & plus en plus croistra
Tant que je viuray, and tiendray à grandheur,
Tant seulement d' avoir part en ce cœur
Vers qui en fin mon amour persistra
Si tres à clair que jamais n'en doutra.
Pour luy je veux rechercher la grandeur,
Et feray tant qu'en vray cognoistra,
Que je n'ay bien, heur, ne contentement,
Qu' à l' obeyr & servir loyaument.
Pour luy j'attend toute bonne fortune.
Pour luy je veux garder santé & vie.
Pour luy tout vertu de suiure j' ayenvie,
Ee sans changer me trouvera tout' une.

Pour luy aussi je jette maintes larmes.
Premier quand il se fist de ce corps possesseur,
Du quel alors il n'avoit pas le cœur.
Puis me donna un autre dar alarme,

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*Quand il versae de son sang mainte dragme,
 Dont de grief il me vint laisser douleur,
 Qui m'en pensa oster la vie, & frayeur
 De perdre las ! le seul rempar qui m'arme.
 Pour luy depuis jay mesprise l' honneur
 Ce qui nous peut seul pourvoir de bonheur.
 Pour luy j'ay hazardé grandeur & conscience.
 Pour luy tous mes parentz j' ay quite, & amis,
 Et tous autres respectz sont apart mis,
 Brief de vous seul je cherche l' alliance.*

*De vous je dis seul soustein de ma vie
 Tant seulement je cerche m' assurer,
 Et si ose de moy tant presumer
 De vous gagner maigre toute l' envie.
 Car c' est le seul desir de vostre chere amie,
 De vous servir & loyaument aymer,
 Et tous malheurs moins qui rien estimer,
 Et vostre volonte de la mien ne sujure.
 Vous cognostrez avecques obeysance
 De mon loyal devoir n' ommittant lascience
 A quoy je estudieray pour tousiours vous complaire
 Sans aymer rien que vous, soubz la subjection.
 De qui je veux sans nulle fiction
 Vivre & mourir & à ce j' obtempere.*

*Mon cœur, mon sang, mon ame, & mon soucy
 Las, vous m' avez promis qu' aurons ce plaisir
 De deviser avecques vous à loysir,
 Toute la nuit, ou je languis jey,
 Ayant le cœur d' extreme paour transy,
 Pour voir absent le but de mon desir
 Crainte d' oublier un coup me vient à saisir :
 Et l' autre fois je crains que rendurcie
 Soit contre moy voystre amiable cœur
 Par quelque dit d' un meschant ramporteur.
 Un autre fois je crains quelque aventure*

MARY Queen of Scots. 119

*Qui par chemin detou ne mon amant,
Par un fascheux & nouveau accident.
Dieu detourne toute malheureux augure.*

*Ne vous voyant selon qu' avez promis
J' ay mis la main au papier our escrire
D' un different que je voulu transcrire.
Je ne scay pas quel sera vostre advis
Mais je scay bien qui mieux aymer scaura,
Vous diriez bien que plus y gaignera.*

O Goddeffs have of me compassion,
And shew what certain proof
I may give, which shall not seem to him vain,
Of my love and fervent affection.
He alas, is he not already in possession
Of my body, of heart, that refuses no pain,
Nor dishonour in this life uncertain,
Offence of friends, nor worse affliction,
For him I esteem all my friends less than nothing
And I will have good hope of my enemies.
I have put in hazard for him both fame and con-
science,
I will for his sake renounce the world,
I will die to set him forward.
What remaineth to give proof of my conscience?

In his hands and in his full power,
I put my son, my honour, and my life,
My country, my subjects, my soul, all subdued
To him, and has none other will
For my scope, which without deceit,
I will follow in spite of all envie
That may ensue : For I have no other desire,
But to make him perceive my faithfulness,
For storm or fair weather that may come,
Never will it change dwelling, or place.

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Shortly I shall give of my truth such proof,
That he shall know my constancy without fiction,
Not by my weeping, or feigned obedience,
As other have done: But by other experience.

She for her honour oweth you obedience:
I in obeying you may receive dishonour,
Not being (to my displeasure) your wife as she,
And yet in this point she shall have no preheminence.

She useth constancy for her own profit:
For it is no little honour to be mistress of your goods,

And I for loving of you may receive blame,
And I will not be overcome by her in loyal observance,

She has no apprehension of your evil,
I fear of all appearing evil that I can have no rest
She had your acquaintance by the consent of her friends,

I against all their will have born you affection.
And not the less (my heart) you doubt of my constancy,

And of her faithfulness you have firm assurance.

By you (my heart) and by your alliance
She hath restored her house unto honour,
By you she is become to that greatness,
Of which her friends had never assurance,
Of you (my wealth) she got the acquaintance,
And hath conquer'd the same time your heart.
By you she hath pleasure and good luck,
And by you hath received honour and reverence,
And hath not lost but the enjoying
Of one unpleasant fool, which she loved dearly.
Then I moan her not to love ardently
Him that hath none in wit, in manhood,

MARY *Queen of Scots.* 121

In beauty, in bounty, in truth, nor in constancy,
Any second : I live in the belief.

When you loved her she used coldness,
If you suffer for her love passion.
That cometh of too great affection of life,
Her sadness shews the dolour of her heart,
Taking no pleasure of your vehement burning,
In her cloathing she shews unfeignedly,
That she had no fear, that imperfection
Could deface her out of that true heart.
I did not see in her the fear of your death,
That was worthy of such a husband and Lord.
Shortly she hath of you all her wealth.
And hath never weighed nor esteemed
On so great hap, but since it was not hers,
And now she saith that she loveth him so well.

And now she beginneth to see,
That she was of very evil judgment,
To esteem the love of such a lover,
And would fain deceive my love,
By writings and painted learning,
Which not the less did not breed in her brain,
But borrowed from some feat author,
To feign one story and have none.
And for all that her painted words,
Her tears, her plaints full of dissimulation,
And her high cries and lamentations
Hath won that point, that you keep in store,
Her letters and writings, to which you give trust,
Yea, and lovest and believest her more then me.

You believe her (alas) I perceive it too well,
And callest in doubt my firm constancy
(O mine only wealth, and mine only hope)
And I cannot assure you of my truth.

I see

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I see that you esteem me light,
 And be no way assured of me,
 And dost suspect (my heart) with any appear-
 ing cause,
 Discrediting me wrongfully.
 You do not know the love I bear to you.
 You suspect that other love transporteth me.
 You think my words be but wind :
 You paint my very heart, as it were of wax ;
 You imagine me a woman without judgment.
 And all that increaseth my burning.

My love increaseth, and more and more will increase
 So long as I shall live ; and I shall hold for a great
 felicity

To have only part in that heart,
 To which at length my love shall appear
 So clearly, that he shall never doubt.
 For him I will strive against one world ;
 For him I will renounce greatness ;
 And shall do so much, that he shall know
 That I have no wealth, hap, nor contentation,
 But to obey and serve him truly.
 For him I attend all good fortune :
 For him I will conserve health and life :
 For him I desire to ensue courage :
 And he shall ever find me unchangeable.

For him also I poured out many tears :
 First when he made himself possessor of this body,
 Of the which then he had not the heart.
 After he did give me one other hard charge,
 When he bled of his blood great quantity :
 Through the great sorrow of which, came to me
 that dolour,
 That almost carried away my life, and the fear
 To lose the only strength that armed me.

For

MARY *Queen of Scots.* 123

For him since I have despised honour,
The thing only that bringeth felicity :
For him I have hazarded greatness and conscience :
For him I have forsaken all kindred and friends,
And set aside all other respects.
Shortly, I seek the alliance of you only :

Of you, I say, the only upholder of my life,
I only seek to be assured ;
Yea, and dare presume so much of my self,
To win you in spite of all envy :
For that is the only desire of your dear love,
To serve and love you truly ;
And to esteem all this hap less than nothing,
And to follow your will with mine,
You shall know with obedience ;
Not forgetting the knowledge of my loyal duty,
The which I shall study, to the end that I may
ever please you ;
Loving nothing but you ; in the subjection
Of whom I will, without any fiction,
Live and die ; and this I consent.
My heart, my blood, my soul, my care,
Alas ! you had promised that I should have that
pleasure,
To devise with you at leisure.
All the night where I lie and languish here,
My heart being overset with extreme fear,
Seeing absent the sum of my desire.
Fear of forgetting sometime taketh me,
And other times I fear that loving heart
Be not hardened against me
By some saying of one wicked reporter :
Other times I fear some adventure,
That by the way should turn back my love,
By some troublesome and new accident.
O God ! turn back all unhappy augure.

Nor

Not seeing you as you had promised,
 I put my hand to the paper to write,
 Of one difference that I have will it copy.
 I cannot tell what shall be your judgment,
 But I know well who can best love,
 You can tell who shall win most.

A Letter written by her from *Glasgow* to
Bothwel, proving her hate to her Hus-
 band, and some suspicions of practising
 his death: Which Letter was written
 in *French*, and here ensueth, translated
 word for word.

IL semble qu' avecques vostre absence soit
 joynt l'oubly, veu qu' au partir vous me
 promistes de vos nouvelles. Et toutes foys je
 n'en puis apprendre, &c.

IT appears, that with your absence there
 is also joynd forgetfulness, seeing that
 at your departing you promised to make me
 advertisement of your news from time to
 time. The waiting upon them yesterday,
 caused me to be almost in such joy as I will
 be at your returning, which you have delay-
 ed longer than your promise was. As to me,
 howbeit I have no further news from you
 according to my commission, I bring the
 man with me to *Cragmillar* upon *Monday*,
 where

where he will be all *Wednesday*, and I will go to *Edinburgh*, to draw blood of me, if in the mean time I get no news to the contrary from you. He is more gay than ever you saw him; he puts me in remembrance of all things that may make me believe he loves me. Perhaps you will say, that he makes love to me: Of the which I take so great pleasure, that I enter never where he is, but incontinent I take the sickness of my fore side, I am so troubled with it. If *Pareis* brings me that which I send him for, I trust it shall amend me. I pray you advertise me of your news at length, and what I shall do, in case you be not returned when I am come there; for in case you work not wisely, I see that the whole burden of this will fall upon my shoulders. Provide for all things, and discourse upon it first with yourself. I send this by *Betoun*, who goes to one day of law of the Lord of *Balfours*. I will say no further, saving I pray you to send me good news of your voyage. From *Glasgow* this *Saturday* in the morning.

Another Letter to *Bothwel*, concerning the hate of her Husband, and practice of his murder.

Estant party du lieu ou j'avois laissé mon cœur il se peult aysement juger quelle estoit ma contenance, veu ce qui peult un corps

corps sans cœur, qui à esté cause que jusques à la disnée je n'ay pas tenu grand propos, aussi personne ne s'est voulu avancer jugeant bien qu'il n'y faisoit bon, &c.

BEing departed from the place where I left my heart, it is easie to be judged what was my countenance, seeing that I was even as much as one body without a heart, which was the occasion that while dinner time I held purpose to no body, nor yet durst any present themselves unto me, judging that it was not good so to do. Four miles ere I came to the town, one Gentleman of the Earl of *Lenox* came and made his commendations unto me, and excused him that he came not to meet me, by reason that he durst not enterprize the same, because of the rude words that I had spoken to *Cunningham*, and he desired that he should come to the inquisition of the matter that I suspected him of. This last speaking was of his own head, without any commission. I answered to him, that there was no receipt could serve against fear, and that he would not be afraid in case he were not culpable, and that I answered but rudely to the doubts that were in his letters: So that I made him hold his tongue; the rest were too long to write. Sir *James Hamilton* met me, who shewed that the other time, when he heard of my coming, he departed
away,

away, and sent *Houston* to shew him that he would never have believed that he would have pursued him, nor yet accompanied him with the *Hamiltons*. He answered that he was only come but to see me, and that he would neither accompany *Stewart* nor *Hamilton* but by my commandment. He desired that he would come and speak with him, he refused it. The Lord of *Luse*, *Houston* and *Cauldwallis* son, with forty horse or thereabout came and met me. The Lord of *Luse* said that he was charged to one day of law, by the King's father, which should be this day, against his own hand writing, which he has. And yet notwithstanding, knowing of my coming it is delayed, he was inquired to come to him, which he refused, and swears that he will indure nothing of him. Never one of that town came to speak to me, which causes me to think that they are his, and nevertheless he speaks good, at the least his son. I see no other Gentleman, but they of my company. The King sent for *Joachim* yesternight, and asked of him, why I lodged not beside him, and that he would rise the sooner if that were, and wherefore I come, if it was for good appointment, and if you were there in particular, and if I had made my estate, if I had taken *Pareis* and *Gilbert* to write to me, and that I would send *Joseph* away. I am abashed who

This bearer will tell you somewhat upon this.

has shewn him so far, yea he spake even of the marriage of *Bastian*. I inquired him of his Letters, whereunto he complained of the cruelty of some, answered that he was astonished, and that he was so glad to see me, that he believed to die for gladness; he found great fault that I was pensive, I departed to supper, this bearer will tell you of my arriving, he prayed me to return, the which I did, he declared unto me his sickness, and that he would make no testament but only leave all things to me, and that I was the cause of his malady, because of the regret that he had that I was so strange unto him. And thus he said, you ask me what I mean by the cruelty contained in my Letter, it is of you alone that will not accept of my offers and repentance. I confess that I have failed, but not into that which I ever denied, and such like has fallen to sundry of your subjects which you have forgiven. I am young. You will say, that you have forgiven me oftentimes, and yet that I return to my faults. May not any man of my age for lack of counsel fall twice or thrice, or in lack of his promise, and at last repent himself, and be chastised by experience? If I may obtain pardon, I protest I shall never make fault again. And I crave no other thing but that we may be at bed and board together as husband and wife, and if you will not consent hereunto, I will never rise out of this bed, I pray you tell me
your

your resolution. God knows how I am punished for making my God of you, and for having no other thought but on you, and if at any time I offend you, you are the cause, because when any offends me, if for my refuge I might complain unto you, I would speak it unto no other body; but when I hear any thing, not being familiar with you, necessity constrains me to keep it in my breast: And that causes me to try my wit for very anger. I answered straight unto him, but that would be overlong to write at length. I asked why he would pass away in the English ship, he denies it, and swears thereunto, but he grants that he spake with the men. After this I inquired of the inquisition of *Highbate*, he denied the same while I shewed him the very words was spoken. At which time he said, that *Minto* had advertised him that it was said that some of the counsel had brought one Letter to me to be subscribed to put him in prison, and to slay him if he made resistance. And he asked the same of *Minto* himself, who answered, that he believed the same to be true. In the morning I will speak to him upon this point. As to the rest, *William Highbates* he confessed it, but it was the morning after my coming ere he did it. He would very fain that I should lodge in his lodging, I refused it, and said to him, that he behoved to be purged, and that could not be done here; he said to me, I hear say you have

brought one Letter with you, but I had rather have passed with you. I think he believed that he would have sent him away prisoner; I answered that I would take him with me to *Cragmillar*, where the Physician and I might help him, and not be far from my son, he answered, that he was ready when I pleased, so I would assure him of his request, he desires no body to see him, he is angry when I speak of *Walcar*, and says, that he shall pluck the ears from off his head, and that he lies: For I inquired him upon that, and that he was angry with some of the Lords, and would threaten them, he denies that, and says, he loves them all, and prays me to give trust to nothing against him; as to me he would rather give his life ere he did any displeasure to me. And after this he shewed me of so many little flatteries, so coldly, and so wisely, that you will be ashamed thereat. I had almost forgot that he said he could not doubt of me in this purpose of *Highgates*, for he would never believe that I, who was his proper flesh, would do him any evil, as well it was shewn that I refused to subscribe the same; but as to any others that would pursue him at least he should sell his life dear enough, but he suspected no body, nor yet would not, but would love all that I loved, he would not let me depart from him, but desired that I should wake with him, I make it seem that I believe that all is true, and takes
heed

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heed thereto, and excused my self for this night that I could not wake; he says, he sleeps not well, you saw him not better, nor speak more humble. And if I had not a proof of his heart of wax, and that mine were not of a Diamond, whereinto no shot can make breach, but that which comes forth of your hand, I would have almost had pity of him. But fear not, the place shall hold unto the death. Remember in recompence thereof that ye suffer not yours to be won by that false race that will travel no less with you for the same. I believe they have been at school together, he has ever the tear in his eye, he salutes every body, yea unto the least, and makes piteous moan unto them to make them have pity on him. This day his father bled at the mouth and nose, ghes what preface that is. I have not yet seen him, he keeps his chamber. The King desires that I should give him meat with mine own hands. But give no more trust where you are then I shall do here. This is my first journey, I shall send the same to morrow. I write all things, howbeit they be of little weight, to the end that ye may take the best of all to judge upon. I am in doing of a work here that I hate greatly. Have you not a desire to laugh to see me lie so well, at the least to dissemble so well, and to tell him truth betwixt hands. He shewed me almost all that is in the name of the Bishop and *Sunderland,*

and yet I have never touched one word of that you shewed me, but only by force flattering, and to pray him to assure himself of me. And by complaining on the Bishop I have drawn it all out of him. You have heard the rest. We are coupled with two false races, the Devil sunder us, and God knit us together for the most faithful couple that ever he united. This is my faith, I will die in it. Excuse it, I write evil, you may ghesse the half of it, but I cannot mend it, because I am not well at ease, and very glad to write unto you when the rest are asleep, sith I cannot sleep as they do, and as I would desire, that is, in your arms my dear love, whom I pray God to preserve from all evil, and send you repose; I am going to seek mine till the morning, when I shall end my Bible; but I am vexed that it stops me to write news of my self unto you, because it is so long. Advertise me what you have deliberated to do in the matter, you know upon this point, to the end that we may understand each other well, that nothing thereof be spilt. I am weary, and going to sleep, and yet I cease not to scribe all this paper in so much as remains thereof. Wearied might this pocky man be, that causes me to have so much pain; for without him I should have a far pleasanter subject to discourse upon. He is not overmuch deformed, yet he has received very much. He has almost slain me with his breath,
it

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it is worse than your Uncles, and yet I come no nearer unto him but in a chair at the bed's feet, and being at the other end thereof.

THE message of the father in the Gate.

THE purpose of Sir *James Hamilton.*

OF that the L. of *Lusse* shewed me of the delay.

OF the demands that she asked of *Jachim.*

OF my estate, of my company, of the occasion of my coming, and of *Joseph.*

Item, The purpose that he and I had together.

OF the desire he has to please me, and of his repentance.

OF the interpretation of his Letter.

OF *William Highgate's* matter of his departing.

OF *Monsieur de Levingston.*

I had almost forgot that *Monsieur de Levingston* said in the Lady *Reresfe's* ear at supper; that he would drink to the folk I wist of, if I would pledge them. And after supper he said to me when I was leaning upon him warming me at the fire; you have fair going to see such folk, yet you cannot be so welcome unto them, as you left some body this day in sadness, that will never be merry while he he see you again. I asked of him, who that was? With that he thrust my body and said, that some of his folks had seen you in fashery, you may guess at the rest. I wrought this

day while it was two hours upon this bracelet, for to put the key of it within the lock thereof, which is coupled underneath with two cordwins. I have had so little time that it is evil made; but I shall make one fairer in the mean time. Take heed that none that is here see it, for all the world will know it; because for haste it was made in their presence. I am now passing to my intended purpose. You make me dissemble so far that I have horror thereat; and you cause me to do almost the office of a traitour. Remember how if it were not to obey you, I had rather be dead ere I did it; my heart bleeds at it. So that, he will not come with me except upon condition that I will promise to him that I shall be at bed and board with him as before, and that I shall leave him not after; and doing this upon my word he will do all things that I please, and come with me; but he prayed me to remain with him while another morning. He spake very bravely at the beginning, as this bearer will shew you, upon the purpose of the Englishmen, and of his departing; but in the end he returned again to his humility. He shewed amongst other purposes that he knew well enough, that my brother had shewed me that thing which he had spoken in *Scriveling*; of the which he denies the one half, and above all, that ever he came in his chamber. For to make him trust me, it behoved me to fain
in

in some things with him ; therefore when he requested me to promise unto him, that when he was whole we should have both one bed, I said to him, fainingly and making me believe his promises, that if he changed not purposes betwixt this and that time, I would be content therewith ; but in the mean time I bad him take heed that he let no body know thereof ; because to speak amongst our selves the Lords could not be offended, nor will evil therefore. But they would fear in respect of the boasting he made of them, that if ever we agreed together, he should make them know the little account they took of him ; and that he counfelled me not to purchase some of them by him, they for this cause would be in jealousie, if attains without their knowledge, I should break the play set up in the contrary in their presence. He said very joyfully ; and think you they will esteem you the more for that ? but I am very glad that you speak to me of the Lords, for I believe at this time you desire that we should live together in quietness ; for if it were otherways, greater inconveniency might come to us both then we are aware of ; but now I will do what ever you will do, and will love all that you love, and desires you to make them love in like manner ; for since they seek not my life, I love them all equally. Upon this point the bearer will shew you many small things. Because I have over much to write,

and it is late, I give trust unto him upon your word. So that he will go upon my word to all places. Alas, I never deceived any body; but I remit me altogether to your will. Send me advertisement what I shall do, and whatsoever thing shall come thereof I shall obey you. Advise to with your self if you can find out any more secret invention by medicine: For he should take medicine and the *Bath at Cragmillar*. He may not come forth of the house this long time. So that by all that I can learn, he is in great suspicion; and yet notwithstanding he gives credit to my word; but yet not so far as that he will shew any thing to me. But nevertheless I shall draw it out of him, if you will that I avow all unto him. But I will never rejoyce to defame any body that trusts in me; yet notwithstanding you may command me in all things. Have no evil opinion of me for that cause, by reason you are the occasion of it your self, because for mine own particular revenge I would not do it to him. He gives me some checks of that which I feared, yea even in the quick, he says thus far, that his faults were publisht, but there is that commits faults that believe they will never be spoken of, and yet they will speak of great and small. As towards the Lady *R.rese* he said, I pray God that she may serve you for your honour. And said, it is thought, and he believes it to be true, that I have not the power of my self over my self, and

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and that because of the refuse I made of his offers. So that, for certainty he suspects of the thing you know, and of his life. But as to the last, how soon that I spake two or three good words unto him, he rejoices, and is out of doubt. I saw him not this evening to end your bracelet, to the which I can get no locks, it is ready for them, and yet I fear it will bring some evil, and may be seen if you chance to be hurt. Advertise me if you will have it, and if you will have more silver, and when I shall return, and how far I may speak. He inrages when he hears of *Lethington*, or of you, or of my brother, of your brother he speaks nothing, he speaks of the Earl of *Argyle*. I am in fear when I hear him speak; for he assures himself that he has not one evil opinion of him. He speaks nothing of them that is ought neither good or evil, but flies that point. His father keeps his chamber, I have not seen him. All the *Hamiltons* are here, that accompanies me very honourably. All the friends of the other conveys me when I go to see him. He desires me to come, and see him rise the morn betime. For to make short, this bearer will tell you the rest. And if I learn any thing here, I will make you a memorial at even. He will tell you the occasion of my remaining. Burn this Letter, for it is over dangerous, and nothing well said in it; for I am thinking upon nothing but fraud. If you be in *Edinburgh*

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burgh at the receipt of it, send me word soon. Be not offended, for I give not over great credit. Now seeing to obey you my dear Love, I spare neither honour, conscience,

hazard, nor greatness whatsoever, take it I pray in good

Huntley. part; and not after the interpretation of your false good brother; to

whom I pray you give no credit, against the most faithful lover that ever you had, or ever shall have. *See not her whose*

Bothwel's own *faint tears should not be so much*
wife. *praised nor esteemed, as the*

true and faithful travels, which I sustain
for to merit her place. For obtaining of the

which against my nature, I betray them that
may impeach me. God forgive me, and God

give you, my only love, the hap and prosperity, which your humble and faithful love de-

sires of you, who hopes to be shortly another thing to you for the reward of my irksome

travels. It is late, I desire never to cease from writing unto you, yet now after the kissing

of your hands, I will end my Letter. Excuse my evil writing, and read it twice over.

Excuse that thing that is scribbled, for I had no paper yesterday when I writ that of the

memorial. Remember your love, and write unto her, and that very oft. Love me as I

shall do you. Remember you of the purpose of the Lady *Reresfe*, of the Englishmen,

of his Mother, of the Earl of *Argyle*, of
the

the Earl *Bothwel*, of the lodging in *Edinburgh*.

Another Letter to *Bothwel*, concerning certain tokens that she sent him.

Monsieur si l'envy de vostre absence, celui de vostre oubly, la crainte du danger, tant prove d'un chacun à vostre tant amée personne, &c.

My Lord if the displeasure of your absence, of your forgetfulness, the fear of danger so promised by every one to your so loved person, may give me consolation, I leave it to you to judge, seeing the mishap that my cruel lot and continual misadventure, has hitherto promised me following the misfortunes and fears as well of late as of a long time by-past, the which you do know. But for all that I will in no wise accuse you, neither of your little remembrance, neither of your little care, and least of all your promise broken, or of the coldness of your writing, since I am else so far made yours, that that which pleases you is acceptable to me, and my thoughts are so willingly subdued unto yours, that I suppose that all that cometh of you, proceeds not of any of the causes aforesaid, but rather for such as be just and reasonable, and such as I desire my self. Which is the final

nal order that you promised to take, for the surety and honourable service of the only supporter of my life. For which alone I will preserve the same, and without the which I desire not but suddain death. And to testifie unto you how lowly I submit me under your commandments. I have sent you in sign of homage by *Pareis* the ornament of the head, which is the chief guide of

A head. the other members. Inferring thereby, that by the seising of you in the possession of the spoil of that which is principal, the remnant cannot be but subject unto you, and with consenting of the heart. In place whereof since I have else left it unto you, I send unto you one sepulture of hard stone coloured with black, sawin with tears and bones. The stone I compare to my heart, that as it is carved in one sure *sepulture* or harbour of your commandments, and above all of your name and memory, that are therein inclosed, *as is my heart*

The Queen in this ring never to come forth,
heir. while death grant unto you to one trophie of victory of my bones, as the ring is filled, in sign you have made one full conquest of me, of mine heart, and unto that my bones are left unto you, in remembrance of your victory, and my acceptable love and willingness, for to be better bestowed than I merit. The ameling that is about is black, which signifies the stedfastness of her

her that sendeth the same. The tears are without number, so are the fears to displease you, the tears for your absence, the disdain that I cannot be in outward effect yours, as I am without faintness of heart and spirit, and of good reason, though my merits were much greater than that of the most profit that ever was, and such as I desire to be, and shall take pains in conditions to imitate, for to be bestowed worthily under your regiment. My only wealth receive therefore in as good part the same, as I have received your marriage with extreme joy, that which shall not part forth of my bosome while that marriage of our bodies be made in publick, as sign of all that I either hope or desire of blis in this world. Yet my heart, fearing to displease you, as much in the reading hereof, as it delights me in the writing, I will make an end, after that I have kissed your hand, with as great affection as I pray God (O the only supporter of my life) to give you long and blessed life, and to me your good favour, as the only good that I desire, and to the which I pretend. I have shewn unto this bearer that which I have learned, to whom I remit me, knowing the credit that you give him, as she doth, that will be for ever unto you an humble and obedient lawful wife, that for ever dedicates unto you her heart, her body, without any change as unto him that I have made possessor of my heart, of which you may hold you assured,

assured, that unto the death shall no ways be changed, for evil nor good shall never make me go from it.

Another Letter to *Bothwel* of her love to him.

JA T veille plus tard la haut que je n' eusse fait, si ce n' eust esté pour tirer ce que ce porteur vous dira, que je treuve la plus belle commodité pour excuser vostre affaire quice pourroit presenter, &c,

I Have waked later there up then I would have done, if it had not been to draw something out of him, which this bearer will shew you, which is the fairest commodity, that can be offered to excuse your affairs. I have promised to bring him to him in the morn. Put order to it if you find it good. Now Sir, I have broken my promise, because you commanded me nether to write nor send unto you; yet I have not done this to offend you. And if you knew the fear that I have presently, you would not have so many contrary suspitions in your thought, which notwithstanding I treat and cherish as proceeding from the thing in the world that I most desire and seek fastest to have, which is your good grace. Of the which my behaviour shall

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shall assure me; as to me I shall never despair of it. And prays you according to your promise to discharge your heart unto me; otherwise I will think that my evil and the good handling of her that has not a third part of the faithful nor willing obedience unto you that I bear, has won against my will that advantage over me, which the second love of *Jason* won. Not that I will compare you to one so unhappy as he was, nor yet my self to one so unpitiful a woman as she. Howbeit you cause me to be somewhat like unto her in any thing that touches you, or that may preserve and keep you unto her, to whom only you appertain: If it be so that I may appropriate that which is won through faithful, yea only loving of you, as I do and shall do all the days of my life, for pain or evil that can come thereof. In recompence of the which, and of all the evils which you have been cause of to me, remember you upon the place here beside. I crave with that you keep promise to me in the morn, but that we may meet together, and that you give no faith to suspicions without the certainty of them. And I crave no other thing of God, but that you may know that thing that is in my heart, which is yours, and that he may preserve you from all evil, at least so long as I have life, which I repute not precious unto me, except in so far as it and I both are agreeable unto you, I am going to bed, and will
bid

bid you good night. Advertise me timely in the morning how you have fared, for I will be in pain until I get word. Make good watch; if the bird get out of the cage, or without her mate, as the *Turtle*, I shall remain alone to lament your absence, how short that soever it be. This letter will do, with a good heart, that thing which I cannot do myself, if it be not that I have fear that you are in sleeping. I durst not write this before *Joseph*, *Bastian*, and *Joachim*, that did but depart even when I began to write.

Another Letter to *Bothwel* concerning the departure of *Margaret Carwood*, who was privy, and a helper of all their love.

MON cœur *belas ! faut il que la folle d'une femme, dont vous cognoissez assez l'ingratitude vers moy, soit cause de vous donner deplaisir, &c.*

My heart, alas, must the folly of a woman, whose unthankfulness toward me you do sufficiently know, be occasion of displeasure unto you? considering that I could not have remedied thereunto without knowing it? And since that I perceive it, I could not tell it you, for that I knew

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knew not how to govern my self therein. For neither in that, nor in any other thing, will I take upon me to do any thing without knowledge of your will: Which I beseech you let me understand; for I will follow it all my life, more willingly than you shall declare it to me. And if do not send me word this night what you will that I shall do, I will rid my self of it, and hazard to cause it to be enterprized and taken in hand; which might be hurtful unto that whereunto both we do tend. And when she shall be married, I beseech you give me one, or else I will take such as shall content you, for their conditions, but as for their tongues or faithfulness toward you, I will not answer. I beseech you, that an opinion of another person be not hurtful in your mind to my constancy. Mistrust me, but then I will put you out of doubt and clear my self. Refuse it not, my dear life, and suffer me to make you some proof by my obedience, my faithfulness, constancy, and voluntary subjection, which I take for the pleasantest good that I might receive, if you will accept it, and make no ceremony at it, for you could do me no greater outrage, nor give more mortal grief.



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Another Letter sent from *Sterling* to *Bothwell* concerning the practice for her ravishment.

Monsieur *helas, pourquoy est vostre siance mise en personne si indigne, pour soupçonner ce qui est entierement vostre. Fenrage, vous m'aviez promise, &c.*

ALAS, my Lord, why is your trust put in a person so unworthy, to mistrust that which is wholly yours? I am mad. You had promised me that you would resolve all, and that you would send me word every day what I should do, you have done nothing thereof. I advertised you well to take heed of your false Brother-in-law; he came to me, and without shewing me any thing from you, told me that you had willed him to write to you that that I should say, and where and when you should come to me, and that that you should do touching him, and thereupon hath preached unto me that it was a foolish enterprize, and that with mine honour I could never marry you, seeing that being married, you did carry me away, and that his folks would not suffer it, and that the Lords would unsay themselves, and would deny that they had said. To be short, he is all contrary. I told him,
that

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that seeing I was come so far, if you not withdraw yourself of yourself, that no perswasion, nor death itself, should make me fail of my promise. As touching the place, you are too negligent (pardon me) to remit yourself thereof unto me. Chuse it yourself, and send me word of it. And in the mean time I am sick, I will differ, as touching the matter it is too late. It was not long of me that you have not thought thereupon in time. And if you had not more changed your mind since mine absence than I have, you should not be now to ask such resolving. Well, there wanteth nothing of my part; and seeing that your negligence doth put us both in the danger of a false brother, if it succeed not well, I will never rise again. I send this bearer unto you, for I dare not trust your brother with these letters, nor with the business. He shall tell you in what state I am, and judge you what amendment these new ceremonies have brought unto me. I would I were dead, for I see all goeth ill. You promised other manner of matter of your foreseeing, but absence hath power over you, who have two strings to your bow. Dispatch the answer, that I fail not, and put no trust in your brother for this enterprize, for he hath told it, and is also quite against it. God give you good night.

Another Wife.

Another Letter to *Bothwel*, for the practice and device to excuse the ravishing.

D*U lieu & de l'heure je m'en rap porte à vostre frere & à vous, je le suiuray & ne fauldray en rien de ma part. Il trouve beaucoup de difficultez, &c.*

OF the place and the time, I remit my self to your brother and to you. I will follow him, and will fail in nothing of my part. He findeth many difficulties: I think he doth advertise you thereof; and what he doth advertise you for the handling of himself. As for the handling of my self, I heard it once well devised. Methinks that your services, and the long amity, having the good will of the Lords, do well deserve a pardon, if above the duty of a subject you advance yourself, not to constrain me, but to assure yourself of such place nigh unto me, that other admonitions or foreign persuasions may not let me from consenting to that that you hope your service shall make you one day to attain: and to be short, to make yourself sure of the Lords, and free to marry: and that you are constrained for your surety, and to be able to serve me faithfully, to use an humble request, joyned to an importune action. And to be short, excuse yourself,

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yourself, and perswade them the most you can, that you are constrained to make pursuit against your enemies. You shall say enough, if the matter or ground do like you, and many fair words to *Ledinton*. If you like not the deed, send me word, and leave not the blame of all unto me.

Another Letter to *Bothwel* of the practice for her ravishment, and to advise him to be strange to do it.

Monsieur depuis ma lettre escrit vostre beau frere qui fust, en venu à moy fort triste, & m' à demandé mon conseil de ce qu'il feroit apres demain, &c.

MY Lord, since my letter written, your Brother-in-law that was, came to me very sad, and both asked me my counsell, what he should do after to-morrow, because there be many folks here, and among others the Earl of *Southerland*, who would rather die, considering the good they have so lately received of me, than suffer me to be carried away, they conducting me; and that he feared there should some trouble happen of it: of the other side, that it should be said that he were unthankful to have betrayed me. I told him, that he should have resolved with you upon all that; and that he

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should avoid, if he could, those that were most mistrusted. He hath resolved to write thereof to you of my opinion ; for he hath abashed me to see him so unresolved at the need. I assure myself, he will play the part of an honest man. But I have thought good to advertise you of the fear he hath, that he should be charged and accused of treason, to the end that without mistrusting him, you may be the more circumspect, and that you may have the more power. For we had yesterday more than three hundred horse of his, and of *Leniston*. For the honour of God be accompanied rather with more than less ; for that is the principal of my care. I go to write my dispatch, and pray God to send us an happy interview shortly. I write in haste, to the end you may be advised in time.

Of the Bills of Proclamation and Combat set up by Bothwel, and the Answers.

IMMEDIATELY after the death of the King, who was murdered, and his house blown up with gun-powder, the 9th day of *February* in the night, 1567. Proclamation was made, That whosoever could bewray the cruel murderers of the King should have two thousand pounds. Unto the which proclamation, reply was made, and set up privily upon the Toleboth door of
Edin-

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Edinburgh, the 16th of *February*, in this manner :

BECAUSE proclamation is made, that whosoever will reveal the murtherers of the King shall have two thousand pounds, I, who have made inquisition by them that were the doers thereof, affirm that the committers of it were the Earl

Bothwel, Master *James Bal-foure*, the Parson of *Flisk*, Mr. *David Chambers*, Black

If this be not true spere at Gilbert Bawfoord.

Mr. *John Spence*, who was principal deviser of the murther, and the Queen assenting thereto, through the perswasion of the Earl *Bothwel*, and the witchcraft of the Lady *Bucklough*.

U P O N this, new proclamation was made the same day, desiring the setter up of the said bill to come and avow and subscribe the same, and he should have the sum promised in the first proclamation, and further, according to his ability, and sight of the Queen and her council.

T H E answer thereunto was set up in the place aforesaid, the morrow after, being the 19th of the same month.

F O R S O M U C H as proclamation hath been made since the setting up of my first letter, desiring me to subscribe and avow the

same; for answer, I desire the money to be consigned into an evenly man's hand, and I I shall appear on *Sunday* next, with some four with me, and subscribe my first letter, and abide thereat. And further, I desire that Senior *Francis Bastian*, and *Joseph* the Queen's Goldsmith, be stay'd, and I shall declare what every man did in particular, with their complices.

To which bill no answer was made.

THE 13th day of *April* the Earl *Bothwell* coming to the sessions at *Edinburgh*, with an ensign displayed, and the streets full of armed men of his faction, was arraigned for murder of the King, and acquit of the same by a perjured jury: Whereupon he set up a challenge to fight hand to hand with any man (being no person defamed) that would avow the matter.

HEREUNTO answer was made by another bill set up in the same place anon after.

THAT forasmuch as the said Earl *Bothwell* had set up a writing subscribed with his own hand, whereby he did challenge any man (not defamed) that would or durst say he was guilty of the King's death, and therewithal did give the lie in his throat to him that would avouch the quarrel; a Gentleman, and a man of good fame, did by those presents accept the offer and offers, and

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and would prove by the laws of arms that he was the chief author of that foul and horrible murther, albeit an inquest for fear of death had slightly quit him.

AND because the King of *France* and the Queen of *England* had, by their Embassadors, desired that trial and punishment might be had for the same, he most heartily therefore craved of their Majesties, that they would desire of the Queen his Sovereign, that by her consent they might appoint the day and place within their dominions for the trial thereof, according to the law of arms, in their presences, or in their deputies: Which day and place he promised by the faith of a Gentleman to appear at, and to his devoir, provided always that their Majesties by open proclamation shall give assurance to him and to his company, to pass and repass through their countries, without hurt or impediment. What just cause he had to desire the King of *France* and the Queen of *England* to be judges in the case, he remitted to the judgment of the readers and the hearers, warning by those presents the rest of the murtherers to prepare themselves, for they should have the like offer made unto them, and their names given in writing, that they might be known unto all men.



The Confessions of John Habroun, young Talla, Dagleish and Pourie, upon whom was justice executed the 3d of January, the year of God 1567.

JOHAN BOWTON confessed, that nine was at the deed doing, my Lord *Bothwel*, the Lord of *Ormiston*, *Hob Ormiston*, himself, *Talla*, *Daglish*, *Vilson*, *Pourie*, and *French Paris*, and that he saw no more, nor knew of no other companies.

Item, HE knows no other but that, that he was blown in the air, for he was handled with no mens hands as he saw; and if it was, it was with others, and not with them.

Item, As touching Sir *James Balfour*, he saw not his subscription; but I warrant you he was the principal counsellor and deviser.

Item, HE

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Item, HE said, I confess that it is the very providence of God that has brought me to his judgment, for I am led to it as an horse to the stall; for I had ships provided to fly, but could not escape.

Item, HE said, let no man do evil for counsel of great men, or their masters, thinking they shall save them; for surely I thought that night that the deed was done, that although knowledge should be got, no man durst have said it was evil done, seeing the hand writ, and acknowledging the Queen's mind thereto.

Item, SPEAKING of the Queen in the Tolebooth, he said, God make all well; but the longer the dirt is hidden, it is the stronger. Who lives, our deaths will be thought no news.

Item, IN the conclusion he confessed, he was one of the principal doers of the death, and therefore was justly worthy of death; but he was assured of the mercy of God, who called him to repentance.

Item, **T**ALLA confessed, *ut supra*, agreeing in all points as concerning the persons, number, and blowing up into the air.

Item, HE affirmed, that in *Seton* my Lord *Bothwell* called on him, and said, What thought you when you saw him blown in the air? Who answered, Alas, my Lord, why speak you that? for whenever I hear such a thing,

thing, the words wound me to death, as they ought to do you.

Item, THAT same time he saw Sir *James Balfour* put in his own name and his brother's unto my Lord *Bothwell's* remission.

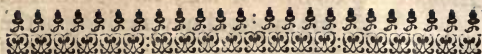
Item, HE knew of the deed doing three or four days ere it was done, or thereabout.

Item, HE said, After that I came to the Court I left the reading of God's word, and embraced vanity, and therefore has God justly brought this on me.

WHEREFORE let all men shun evil company, and to trust not in men, for ready are we to embrace evil, as ready as tinder to receive fire. And further, in the Tolebooth he required *John Brand*, Minister of the Congregation, to pass to my Lord *Lindsey*, and say, My Lord, heartily I forgive your Lordship, and also my Lord Regent, and all others, but specially them that betrayed me to you; for I know if you could have saved me you would, desiring as ye will answer before God at the latter day to do your diligence to bring the rest who were the beginners of this work to justice, as ye have done to me; for ye know it was not begun in my head; but yet he praises God that his justice has begun at me, by the which he has called me to repentance.

Item, **D**AGLEISH said, As God shall be my judge, I knew nothing of the King's death before it was done ; for my Lord *Bothwel* going to his bed, after the taking off of his hose, which was stocked with velvet, *French Paris* came and spake with him, and after that he tarried on me for other hose and cloaths, and his riding cloak and sword, which I gave him, and after that came up to the gate to the Lord *Ormiston's* lodging, and tarried for him, and thereafter that he passed to a place beside the Black Friers, and came to the Slope of the Dyke, where he bid me stand still ; and as God shall be my judge, I knew nothing while I heard the blast of powder ; and after this he came home, lay down in his bed, while Mr. *George Hacket* came and knocked at the door ; and if I die for this, the which God judge me if I knew more, what shall be done to the devisers, counsellors, subscribers, and fortifiers of it ?





*Now judge, Englishmen, if it be good to
change Queens.*

O uniting confounding !

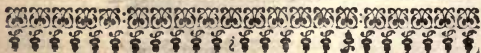
*When rude Scotland has vomited up a
poyson, must fine England lick it up for a
restorative ?*

O vile indignity !

*While your Queen's enemy liveth, her
danger continueth. Desperate necessity will
dare the utmost.*

O cruel mercy !

*O ambition ! fed with prosperity, strength-
ned with indulgence, irritated with adver-
sity, not to be neglected, trusted, nor par-
doned.*



DE JURE
R E G N I
A P U D
S C O T O S.

Or a DISCOURSE concerning the due

Privilege of Government

I N T H E

Kingdom of S C O T L A N D,

In a DIALOGUE betwixt

G E O R G E B U C H A N A N

A N D

T H O M A S M A I T L A N D.

By the said G E O R G E B U C H A N A N.

And translated out of the Original *Latin* into *English*
by a Person of Honour of the Kingdom of *Scotland*.

Printed in the Year M D C C X X I.

REGISTER

AND

SCOTLAND

OF A DISCOVERY CONTAINING THE

REPUBLIC OF SCOTLAND

IN THE

Kingdom of Scotland

IN A DISCUSSION

GEORGE BUCHANAN

AND

THOMAS SWIFT

By James George Buchanan

And bound out of the Original Law in 1790
by a Person of Honour of the Kingdom of Scotland

Printed in the Year 1790



THE

TRANSLATOR

TO THE

READER.

Candid Reader,



HAVE presumed to trouble your attention with the ceremony of a Preface; the end and design of which is not to usher in my Translation to the world with curious embellishments of Oratory (that serving only to gratify, or inchant a luxuriant fancy) but alleunarily to apologize for it, in

[L]

Translator to the Reader.

case a *Zoilus*, or a *Momus*, shall happen to peruse the same. Briefly, then I reduce all that either of these will (as I humbly perceive) object against this my work, to these two generals, *prevarication* and *ignorance*. First, they will call me a prevaricator, or prevaricating interpreter, and that upon two accounts. 1. Because I have (say they) sophisticated the genuine sense and meaning of the learned author, by interpreting and foisting in spurious words of mine own. 2. That I have quite alienated the literal sense in other places by a too paraphrastical exposition. To the first I answer, that none are ignorant, that the original of this piece is a lofty *laconick* stile of latin : Now I once having undertaken *proviciam interpretis*, behoved to render my interpretation somewhat plain, and obvious which I could never do in some places, without adding some words (*claritatis gratia*) but always I sought out the scope (as far as my shallow capacity could reach) and suited them thereunto. Wherein I am hopefull that no ingenious impartial Reader, not prepossessed with prejudice against the matter contained in the original, and consequently against the translation thereof, will find much matter of quarrel upon that account, if he will but take

Translator to the Reader.

an overly view of the original, and so compare the Translation therewith. For I have been very sparing in adding ought of my own. To the second branch of the first challenge I answer briefly ; there are none who have the least smattering of common sense, but know well enough, that it is *morally impossible* for an Interpreter to make good language of any *Latin* piece, if he shall always *verbum verbo redere* ; I mean, if he adhere so close to the very rigour of original, as to think it illicite to use any *paraphrase*, although the succinctness and summary comprehensiveness of the original stile even cry aloud for it, as it were ; but to silence in a word these critical snarlers, where ever I have used any *paraphrase*, I likewise have set down the exposition *ad verbum* (to the best of my knowledge) as near as I could.

THE second challenge is of *ignorance*, and that because I have passed by some *Latin* verses of *Seneca*, which are at the end of this *Dialogue*, containing the Stoicks description of a * King, without translating

* In this Edition 'tis translated into *English Verse* by a modern Hand.

Translator to the Reader.

them into *English*. Now, true it is I have done so, not because I knew not how to interpret them (for I hope, candid Readers at least will not so judge of me) but because I thought it not requisite to meddle with them, unless I could have put as specious a lustre upon them, as my pen would have pulled off them (for otherwise I would have greatly injured them) which could never be done without a sublime vein of Poesy, wherein I ingenuously profess ignorance: so that if the last challenge be thus understood, *translated*, because

*Nec fonte labra prolui Cabalino,
Nec in bicipiti somniasse Parnasso,
Memini ut repente sic Poeta prodirem.*

And hence it is, that all the *Latin* verses, which occur in this *Dialogue*, are by me translated into prose, as the rest: But I fear I have wearied your patience too long already, and therefore I will go no further; I wish you satisfaction in the Book, and so

Vive & Vale.



GEORGE



GEORGE BUCHANAN,

TO

King *JAMES*

THE

*Sixth of that name, King of
Scots, wisbeth all health
and happiness.*



*Wrote several years ago, when a-
mongst us affairs were very turbu-
lent, a Dialogue of the right of
the Scots Kings, wherein I endeavoured to
explain from the very beginning (if I may*

Epistle Dedicatory

so say) what right, or what authority both Kings and People have one with another. Which book, when for that time it seemed somewhat profitable, as shutting the mouths of some, who more by importunate clamours at that time, than what was right, inveighed against the course of affairs, requiring they might be levelled according to the rule of right reason; but matters being somewhat more peaceable, I also having laid down my arms, very willingly devoted my self to publick concord. Now having lately fallen upon that disputation, which I found amongst my papers, and perceiving therein many things which might be necessary for your age, (especially you being placed in that part of human affairs) I thought good to publish it, that it might be a standing witness of mine affection towards you, and admonish you of your duty towards your Subjects. Now many things perswaded me that this my endeavour should not be in vain; especially your age not yet corrupted by prave opinions, and inclination far above your years for undertaking all heroical and noble attempts, spontaneously making hast thereunto, and not only your promptitude in obeying your Instructors and Governours, but all such as give
you

to the KING.

you sound admonition, and your judgment and diligence in examining affairs, so that no mans authority can have much weight with you, unless it be confirmed by probable reason. I do perceive also, that you by a certain natural instinct do so much abhor flattery, which is the nurse of Tyranny, and a most grievous plague of a Kingdom, so as you do hate the Court solacismes and barbarismes no less, than those that seem to censure allelegancy, do love and affect such things, and every where in discourse spread abroad, as the sauce thereof, these titles of Majesty, Highness, and many other unsavory compellations. Now albeit your good natural disposition, and sound instructions, wherein you have been principled, may at present draw you away from falling into this error, yet I am forced to be some what jealous of you, lest bad company, the fawning foster-mother of all vices, draw a-side your soft and tender mind into the worst part; especially seeing I am not ignorant, how easily our other senses yeild to seduction. This book therefore I have sent unto you to be not only your monitor, but also an importunat and bold exactor, which in this tender and flexible years may condu^{1 to}
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the progress of his studies. For if I, being but of an ordinary spirit, and almost of no fortune, in an illiterate age, have so wrestled with the iniquity of the times, as that I seem to have done somewhat: then certainly they who are born in a more happy age, and who have maturity of years, wealth and pregnancy of spirit, ought not to be deterred by pains from noble designs, nor can such despair being assisted by so many helps. They should therefore go on with vigour to illustrate learning, and to commend themselves and those of their nation to the memory of after ages, and posterity, yea if they would but bestir themselves herein somewhat actively, it might come to pass, that they would eradicate out of men's minds that opinion, that men in the cold regions of the world, are at as great distance from learning, humanity, and all endowments of the mind, as they are distant from the sun. For as nature hath granted to the *Africans*, *Egyptians*, and many other nations more subtle motions of the mind, and a greater sharpness of wit, yet she hath not altogether so far cast off any Nation, as to shut up from it an entry to vertue and honour. Hereupon, whilst he did speak meanly of himself (which is his modesty) but of me more affectionately than truly: At last the tract of discourse drew us on so far as I judged convenient for that time; I began by course to ask him, what was the opinion of
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the *Frenche* or other nations with whom he had conversed in *France*, concerning our affairs? For I did not question, but that the novelty of affairs (as is usual) would give occasion and matter of discourse thereof to all. Why (saith he) do you desire that of me? For seeing you are well acquainted with the course of affairs, and is not ignorant what the most part of men do speak, and what they think, you may easily guess in your own conscience, that is, or at least should be the opinion of all.

B. BUT the farther that foreign nations are at a distance, they have the less causes of wrath, hatred, love and other perturbations, which may divert the mind from truth, and for the most part they so much the more judge of things sincerely, and freely speak out what they think: That very freedom of speaking and conferring the thoughts of the heart doth draw forth many obscure things, discovers intricacies, confirm doubts, and may stop the mouths of wicked men, and teach such as are weak.

M. SHALL I be ingenious with you?

B. WHY not?

M. ALTHOUGH I had a great desire after so long a time, to visit my native country, parents, relations, and friends, yet nothing did so much inflame my desire, as the clamour of a rude multitude: For albeit I thought my self well enough fortified either

by my own constant practice, or the moral precepts of the most learned, yet when I came to fall upon the present case, I know not how I could conceal my pusillanimity. For when that horrid villany not long since here perpetrated, all with one voice did abominate it, the author hercof not being known; the multitude which is more acted by precipitancy, than ruled by deliberation, did charge the fault of some few upon all; and the common hatred of a particular did redound to the whole nation, so that even such as were most remote from any suspicion, were inflamed with the infamy of men's crimes. When therefore this storm of calumny was calmed, I betook my self very willingly in this port, wherein notwithstanding I am afraid, I may dash upon a rock.

B. WHY, I pray you?

M. BECAUSE the atrociousness of that late crime doth seem so much to inflame the minds of all already exasperate, that now no place of apology is left. For, how shall I be able to sustain the impetuous assaults, not only of the weaker sort, but also of those who seem to be more sagacious, who will exclaim against us, that we were content with the slaughter of an harmless youth, an unheard of cruelty, unless we should shew another new example of atrocious cruelty against women, which sex very enemies do spare when cities are taken in by force. Now from
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what villany will any dignity or Majesty deter those, who thus rage against Kings? Or what place for mercy will they leave, whom neither the weakness of sex, nor innocency of age will restrain? equity, custom, laws, the respect to Sovereignty, reverence of lawful Magistracy, which hence-forth they will either retain for shame, or coerce for fear, when the power of supream authority is exposed to the ludibry of the basest of the people, the difference of equity and iniquity, of honesty and dishonesty being once taken away, almost by a publick consent, there is a degeneracy into cruel barbarity. I know I shall hear these, and more atrocious than these spoken how soon I shall return into *France* again; all mens ears in the mean time being shut from admitting any apology or satisfaction.

B. BUT I shall easily liberate you of this fear, and our nation from that false crime. For, if they do so much detest the atrociousness of the first crime, how can they rationally reprehend severity in revenging it? Or if they take it ill, that the Queen is taken order with, they must needs approve the first deed; choose you then, which of the two would you have to seem cruel. For neither they nor you can praise or reproach both, provided you understand your selves.

M. I do indeed abhor and detest the King's murther, and am glad that the nation is free
of

of that guilt, and that it is charged upon the wickedness of some few. But this last fact I can neither allow nor disallow, for it seems to me a famous and memorable deed, that by counsel and diligence they have searched out that villany, which since the memory of man is the most heinous, and do pursue the perpetrators in a hostile manner. But in that they have taken order with the chief Magistrate, and put contempt upon Sovereignty, which amongst all nations hath been always accounted great and sacred. I know not how all the nations of *Europe* will relish it, especially such as live under kingly Government; surely the greatness and novelty of the fact doth put me to a demur, albeit I am not ignorant what may be pretended on the contrary, and so much the rather, because some of the Actors are of my intimate acquaintance.

B. Now I almost perceive, that it doth perhaps not trouble you so much, as those of foreign nations, who would be judges of the vertues of others to whom you think satisfaction must be given. Of these I shall set down three sorts especially, who will vehemently enveigh against that deed. The first kind is most pernicious, wherein those are, who have mancipated themselves to the lusts of Tyrants, and think every thing just and lawful for them to do, wherein they may gratifie Kings, and measure every thing not as it is in
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it self, but by the lust of their Masters. Such have so devoted themselves to the lusts of others, that they have left to themselves no liberty either to speak or do. Out of this crew have proceeded those, who have most cruelly murdered that innocent youth, without any cause of enmity, but through hope of gain, honour, and power at Court to satisfy the lust of others. Now whilst such feign to be sorry for the Queen's case, they are not grieved for her misfortunes, but look for their own security, and take very ill to have the reward of their most heinous crime, (which by hope they swallowed down) to be pulled out of their throat. I judge therefore that this kind of men should not be satisfied so much by reasoning, as chastised by the severity of laws, and force of arms. Others again are all for themselves; these men, tho' otherwise not malicious, are not grieved for the publick calamity (as they would seem to be) but for their own domestick damages, and therefore they seem to stand in need rather of some comfort, than of the remedies of perswasive reasoning and laws. The rest is the rude multitude, which doth admire at all novelties, reprehend many things, and think nothing is right, but what they themselves do or see done; for how much any thing done doth incline from an ancient custom, so far they think it is fallen from justice and equity. And because these be not
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led by malice and envy, nor yet by self-interest, the most part will admit information, and to be weaned from their errour, so that being convinced by the strength of reason, they yeild: Which in the matter of Religion, we find by experience very often in these days, and also have found it in preceeding ages. There is almost no man so wild, that cannot be tamed, if he will but patiently hearken to instruction.

M. SURELY we have found oftentimes that very true.

B. WHEN you therefore deal with this kind of People so clamorous and very importunat, ask some of them, what they think concerning the punishment of *Caligula*, *Nero* or *Domitian*, I think there will be none of them so addicted to the name *King*, that will not confess, they were justly punished.

M. PERHAPS you say right, but these very same men will forthwith cry out, that they complain not of the punishment of Tyrants, but are grieved at the sad calamities of lawful Kings.

B. DO you not then perceive how easily the people may be pacified?

M. NOT indeed, unless you say some other thing.

B. BUT I shall cause you understand it in few words, the people (you say) approve the murder of Tyrants, but compassionate the misfortune of Kings, would they not then change

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change their opinion, if they clearly understood what the difference is betwixt a Tyrant and a King? Do you not think that this might come to pass, as in many other cases?

M. IF all would confess that Tyrants are justly killed, we might have a large entry made open to us for the rest, but I find some men, and these not of small authority, who while they make Kings liable to the penalties of the Laws, yet they will maintain Tyrants to be sacred persons; but certainly by a preposterous judgment, if I be not mistaken, yet they are ready to maintain their Government, albeit immoderate and intolerable, as if they were to fight for things both sacred and civil.

B. I have also met with several Persons oftentimes, who maintain the same very pertinaciously; but whether that opinion be right or not, we shall farther discuss it hereafter at better conveniency. In the mean time, if you please, let us conclude upon this, upon condition, that unless hereafter it be not sufficiently confirmed unto you, you may have liberty to retract the same.

M. ON these terms indeed I will not refuse it.

B. LET us then conclude these two to be contraries a *King* and a *Tyrant*.

M. BE it so.

B. HE therefore that shall explain the original and cause of creating Kings, and what the

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the duties of Kings are towards their people, and of people towards their Kings, will he not seem to have almost explained on the other hand, what doth pertain to the nature of a Tyrant.

M. I think so.

B. THE representation then of both being laid out, do you not think that the people will understand also, what their duty is towards both?

M. IT is very like they will.

B. NOW contrary wise, in things that are very unlike to one another, which yet are contained under the same *genus*, there may be some similitudes, which may easily induce imprudent persons into an error.

M. DOUBTLESS, there may be such, and especially in the same kind, where that which is the worst of the two doth easily personate the best of both, and studies nothing more, than to impose the same upon such as are ignorant.

B. HAVE you not some representation of a King and of a Tyrant impressed in your mind? For if you have it, you will save me much pains.

M. INDEED I could easily express what *Idea* I have of both in my mind, but I fear, it may be rude and without form; therefore I rather desire to hear what your opinion is, lest whilst you are a refuting me, our discourse become more prolix, you being both

in age and experience above me; and are well acquaint not only with the opinions of others, but also have seen the customs of many, and their Cities.

B. I shall then do it, and that very willingly, yet will I not unfold my own opinion so much, as that of the Ancients, that thereby a greater authority may be given to my discourse, as not being such as is made up with respect to this time, but taken out of the opinions of those, who not being concerned in the present controversie, have no less eloquently, than briefly, given their judgment, without hatred, favour, or envy, whose case was far from these things; and their opinions I shall especially make use of, who have not frivolously trifled away their time, but by virtue and counsel have flourished both at home and abroad in well governed common-wealths. But before I produce these witnesses, I would ask you some few things of no small importance, that there may be no necessity to digress from the purpose in hand, nor to stay in explaining or confirming things that are perspicuous and well known.

M. I think we should do so, and if you please, ask me.

B. Do you not think that the time hath been, when men did dwell in cottages, yea and in caves, and as strangers did wander to and fro without Laws, or certain dwelling places, and did assemble together as their fond humours

mours did lead them, or as some commodity, and common utility did allure them?

M. FORSOOTH I believe that; seeing it is consonant to the course and order of nature, and is testified by all the Histories of all nations almost, for *Homer* doth describe the representation of such a wild and barbarous kind of life in *Sicily*, even in the time of the *Trojans*. Their Courts (saith he) do neither abound with Councils nor Judges, they dwell only in darksome caves, and every one of them in high mountains ruleth his own house, wife and children, nor is any of them at leisure to communicate his domestick affairs to any other. About the same time also *Italy* is said to be no better civilised, as we may easily conjecture from the most fertile regions almost of the whole world, how great the solitude and wastness there was in places on this side of *Italy*.

B. BUT whether do you think the vagrant and solitary life, or the associations of men civilly incorporate, most agreeable to nature?

M. THE last without peradventure, which *utility* the mother almost of justice and equity did first convocat, and commanded to give signs or warnings by sound of trumpet, and to defend themselves within walls, and to shut the gates with one key.

B. BUT, do you think that *utility* was the first and main cause of the association of men?

M. WHY

M. WHY not, seeing I have heard from the learned, that men are born for men?

B. UTILITY indeed in some seems very efficacious, both in beginning and conserving the publick society of mankind; but if I mistake not, there is a far more venerable, or ancient cause of mens associating, and a more antedecaneous and sacred bond of their civil community, otherwise, if every one would have a regard to his own private advantage, then surely that very utility would rather dissolve than unite human society together.

M. PERHAPS that may be true, therefore I desire to know what other cause you will assign.

B. A certain instinct of nature, not only in man, but also in the more tamed sort of beasts, that although these allurements of utility be not in them, yet do they of their own accord flock together with other beasts of their own kind: but of these others we have no ground of debate; surely we see this instinct by nature so deeply rooted in man, that if any one had the affluence of all things, which contribute either for maintaining health, or pleasure and delight of mind, yet he will think his life unpleasant without human converse. Yea, they who out of a desire of knowledge, and an endeavour of investigating the truth, have withdrawn themselves from the multitude, and retired to secret corners,

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ners, could not long endure a perpetual vexation of mind, nor, if at any time they should remit the same, could they live in solitude, but very willingly did bring forth to light their very secret studies, and as they had laboured for the publick good, they did communicate to all the fruit of their labour. But if there be any man who doth wholly take delight in solitude, and flee from converse with men, and shun it, I judge it doth rather proceed from a distemper of the mind, than from any instinct of nature, such as we have heard of *Timon the Athenian*, and *Bellerophon the Corinthian*, who (as the Poet saith) was a wandering wretch on the *Elean* coast, eating his own heart, and fleeing the very footsteps of men.

M. I do not in this much dissent from you, but there is one word *nature* here set down by you, which I do often use rather out of custom, than that I understand it, and is by others so variously taken, and accommodate to so many things, that for the most part I am at a stand to what I may mainly apply it.

B. FORSOOTH at present I would have no other thing to be understood thereby, than that *LIGHT* infused by God into our minds, for when God formed that creature more sacred, and capable of a celestial mind, and which might have dominion over the other creatures, he gave not only eyes to his Body, whereby

whereby he might evite things contrary to his condition, and follow after such as might be useful, but also he produced *in his mind a certain LIGHT*, whereby he might discern things filthy from honest; this *light* some call *nature*, others *the Law of nature*, for my own part, truly I think it is of a *Heavenly stamp*; and I am fully perswaded, that *nature* doth never say one thing, and *wisdom* another. Moreover, God hath given us an abridgment of that *LAW*, which might contain the whole in few words, *viz.* That *we should love him with all our soul, and our Neighbours as our selves*, all the books of holy Scripture which treat of ordering our *conversation*, do contain nothing else but an explication of this Law.

[M. You think then that no Orator or Lawyer, who might congregate dispersed men, hath been the Author of human society, but God only?

B. It is so indeed, and with *Cicero*, I think there is nothing done on earth more acceptable to the great God, who rules the world, than the associations of men legally united, which are called *Civil incorporations*, whose several parts must be as compactly joined together, as the several members of our Body, and every one must have their proper function, to the end there may be a mutual co-operating for the good of the whole, and a mutual propelling of injuries, and a fore-

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seeing of advantages, and these to be communicate for engaging the benevolence of all amongst themselves.

M. YOU do not then make utility, but that *divine Law* rooted in us from the beginning, to be the cause (indeed the far more worthy and divine of the two) of mens incorporating in political Societies.

B. I mean not indeed that to be the Mother of Equity and Justice, as some would have it, but rather the handmaid, and to be one of the guards in cities well constitute.

M. HEREIN I also agree with you.

B. NOW as in our bodies consisting of contrary elements, there are diseases, that is, perturbations, and some intestine tumults, even so there must be of necessity in these greater bodies, that is in Cities, which also consist of various, (yea and for the most part) contrary humours, or sorts of men, and these of different ranks, conditions and natures, and which is more, of such as cannot remain one hour together approving the same things ; and surely such must needs soon dissolve and come to nought ; if one be not adhibited, who as a Physician may quiet such disturbances, and by a moderate and wholesome temperament confirm the infirm parts and compesse redundant humours, and so take care of all the members, that the weaker may not languish for want of nutrition, nor the stronger become luxuriant too much.

M. TRULY

M. TRULY, it must needs be so.

B. How then shall we call him who performeth these things in a civil Body?

M. I am not very anxious about his name, for by what name soever he be called, I think he must be a very excellent and divine person, wherein the wisdom of our Ancestors seemeth to have much foreseen, who have adorned the thing in it self most illustrious with an illustrious name. I suppose you mean the *King*, of which word there is such an *emphasis*, that it holds forth before us clearly a function in it self very great and excellent.

B. YOU are very right, for we design God by that name. For we have no other more glorious name, whereby we may declare the excellency of his glorious nature, nor more suitable, whereby to signifie his paternal care and providence towards us. What other names shall I collect, which we translate to denote the function of a King? Such as Father *Aeneas*, *Agamemnon*, pastor of the people, also a Leader, Prince, Governour. By all which names such a signification is implied, as may shew that Kings are not ordained for themselves, but for the people. Now as for the name we agree well enough; if you please, let us confer concerning the function, insisting in the same footsteps we began upon.

M. WHICH, I pray?

B. Do you remember what hath been lately spoken, that an incorporation seemeth to

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be very like our body, civil commotions like to diseases, and a King to a Physician? If therefore we shall understand what the duty of a Physician is, I am of the opinion, we shall not much mistake the duty of a King.

M. It may be so, for the rest you have reckoned are very like, and seem to me very near in kin.

B. Do not expect that I will here describe every petty thing, for the time will not permit it, neither doth the matter in hand call for it; but if briefly these agree together, you shall easily comprehend the rest.

M. Go on then, as you are doing.

B. THE scope seemeth to be the same to us both.

M. WHICH?

B. THE health of the body, for curing of which they are adhibited.

M. I understand you, for the one ought to keep safe the human body in its state, and the other the civil body in its state, as far as the nature of each can bear, and to reduce into perfect health the body diseased.

B. YOU understand very well, for there is a twofold duty incumbent to both, the one is to preserve health, the other is to restore it, if it become weak by sickness.

M. I assent to you.

B. FOR the diseases of both are a like.

M. It seemeth so.

B. FOR

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B. FOR the redundance of things hurtful, and want or scarcity of things necessary are alike noxious to both, and both the one and the other body is cured almost in the same manner, namely either by nourishing that which is extenuate and tenderly cherishing it, or by asswaging that which is full and redundant by casting out superfluities, and exercising the body with moderate labours.

M. IT is so, but here seems to be the difference, that the humours in the one, and manners in the other are to be reduced into a right temperament.

B. YOU understand it well, for the body politick as well as the natural hath its own proper temperament, which I think very rightly we may call Justice. For it is that which doth regard every member, and cureth it so as to be kept in its function. This sometimes is done by letting of blood, sometimes by the expelling of hurtful things, as by egestion; and sometimes exciting cast-down and timorous minds, and comforting the weak, and so reduceth the whole body into that temperament I spoke of; and being reduced, exerciseth it with convenient exercises, and by a certain prescribed temperature of labour and rest, doth preserve the restored health as much as can be.

M. ALL the rest I easily assent to, except that you place the temperament of the body politick in Justice; seeing temperance even

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by its very name and profession doth justly seem to claim these parts.

B. I think it is no great matter on which of them you confer this honour. For seeing all virtues, whereof the strength is best perceived in action, are placed in a certain mediocrity and equability, so are they in some measure connected amongst themselves, and cohere, so as it seems to be but one office in all, that is, the moderation of lusts. Now in whatsoever kind this moderation is, it is no great matter how it be denominate; albeit that moderation, which is placed in publick matters, and mens mutual commerces, doth seem most fitly to be understood by the name of *Justice*.

M. HEREIN I very willingly assent to you.

B. IN the creation of a King, I think the ancients have followed this way, that if any among the citizens were of any singular excellency, and seemed to exceed all others in equity and prudence, as is reported to be done in beehives, they willingly conferred the government or kingdom on him.

M. IT is credible to have been so.

B. BUT what if none such as we have spoken of, should be found in the city?

M. BY that law of nature, whereof we formerly made mention, equals neither can, nor ought to usurp dominion; for by nature I think it just, that amongst these that are
equal

equal in all other things, their course of ruling and obeying should be alike.

B. **WHAT** if a people, wearied with yearly ambition be willing to elect some certain Person not altogether endowed with all royal vertues, but either famous by his noble descent, or warlike valour? Will you not think that he is a lawful King?

M. **MOST** lawful, for the people have power to confer the Government on whom they please.

B. **WHAT** if we shall admit some acute man, yet not endowed with notable skill, for curing diseases? shall we presently account him a Physician, as soon as he is chosen by all?

M. **NOT** at all; for by learning and the experience of many arts, and not by suffrages is a man made a Physician.

B. **WHAT** maketh artists in other arts?

M. I think there is one reason of all.

B. **DO** you think there is any art of reigning or not?

M. **WHY** not?

B. **CAN** you give me a reason why you think so?

M. I think I can, namely that same which is usually given in other Arts.

B. **WHAT** is that?

M. **BECAUSE** the beginnings of all Arts proceed from experience. For whilst many did rashly and without any reason undertake

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to treat of many things, and others again through exercitation and consuetude did the same more sagaciously, noticing the events on both hands, and perpending the causes thereof, some acute men have digested a certain order of precepts, and called that description an art.

B. THEN, by the like animadversion, may not some art of reigning be described, as well as the art of physick?

M. I think there may.

B. OF what precepts shall it consist?

M. I do not know at present.

B. WHAT if we shall find it out by comparing it with other arts?

M. WHAT way?

B. THIS way: There be some precepts of grammar, of physick and husbandry.

M. I understand.

B. SHALL we not call these precepts of Grammarians and Physicians arts and laws also, and so of others.

M. IT seems indeed so.

B. DO not the civil laws seem to be certain precepts of royal art?

M. THEY seem so.

B. HE must therefore be acquainted therewith, who would be accounted a King.

M. IT seems so.

B. WHAT if he have no skill therein? Albeit the people shall command him to reign, think you that he should be called a King?

M. You

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M. YOU cause me here to hesitate: For if I would consent with the former discourse, the suffrages of the people can no more make him a King, than any other artist.

B. WHAT think you shall then be done? For unless we have a King chosen by suffrages, I am afraid we shall have no lawful King at all.

M. AND I fear also the same.

B. WILL you then be content that we more accurately examine what we have last set down in comparing arts one with another?

M. BE it so, if it so please you.

B. HAVE we not called the precepts of artists in their several arts, laws?

M. WE have done so.

B. BUT I fear we have not done it circumspectly enough.

M. WHY?

B. BECAUSE he would seem absurd who had skill in any art, and yet not to be an artist.

M. IT were so.

B. BUT he that doth perform what belongs to an art, we will account him an artist, whether he do it naturally, or by some perpetual and constant tenour and faculty.

M. I think so.

B. WE shall then call him an artist, who knows well this rational and prudent way of doing

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doing any thing well, providing he hath acquired that faculty by constant practice.

M. MUCH better than him who hath the bare precepts, without use and exercitation.

B. SHALL we not then account these precepts to be art?

M. NOT at all; but a certain similitude thereof, or rather a shadow of art.

B. WHAT is then that governing faculty of cities, which we shall call civil art or science?

M. IT seems you would call it prudence: Out of which, as from a fountain or spring, all laws, provided they be useful for the preservation of humane society, must proceed, and be derived.

B. YOU have hit the nail on the head; if this then were compleat and perfect in any person, we might say he were a King by nature, and not by suffrages, and might resign over to him a free power over all things; but if we find not such a man, we shall also call him a King, who doth come nearest to that eminent excellency of nature, embracing in him a certain similitude of a true King.

M. LET us call him so, if you please.

B. AND because we fear he be not firm enough against inordinate affections, which may, and for the most part use to decline men from truth, we shall adjoyn to him the law,

law, as it were a Colleague, or rather a bridler of his lusts.

M. You do not then think that a King should have an arbitrary power over all things?

B. No t at all : For I remember, that he is not only a King, but also a man, erring in many things by ignorance, often failing willingly, doing many things by constraint ; yea a creature easily changeable at the blast of every favour or frown, which natural vice a magistrate use also to increase : So that here I chiefly find that of the Comedy made true, *All by licence become worse.* Wherefore the most prudent have thought it expedient to adjoyn to him a law, which may either shew him the way, if he be ignorant, or bring him back again into the way, if he wander out of it : By these, I suppose, you understand, as in a representation, what I judge to be the duty of a true King.

M. OF the cause of creating Kings, of their name and duty you have fully satisfied me. Yet I shall not repine, if you please to add ought thereto : Albeit my mind doth hasten to hear what yet seems to remain, yet there is one thing which in all your discourse did not a little offend me, which I think should not be past over in silence, *viz.* that you seem somewhat injurious to Kings, and this very thing I did suspect in you frequently before, whilst I often heard you so profusely

fully commend the antient Commonwealths, and the City of *Venice*.

B. You did not rightly herein judge of me: For I do not so much look to the different form of civil Government (such as was amongst the *Romans*, *Massilians*, *Venetians*, and others, amongst whom the authority of laws were more powerful, than that of men) as to the equity of the form of Government; nor do I think it matters much, whether King, Duke, Emperour, or Consul, be the name of him who is the chiefest in authority, provided this be granted, that he is placed in the magistracy for the maintenance of equity; for if the government be lawful, we must not contend for the name thereof: For he whom we call the Duke of *Venice* is is nothing else but a lawful King;) and the first Consuls did not only retain the honours of Kings, but also their empire and authority: This only was the difference, that not one, but two of them did reign (which also you know was usual in all the *Lacedemonian* Kings) who were created or chosen, not constantly to continue in the government, but for one year. We must therefore always stand to what we spoke at first, that Kings at first were instituted for maintaining equity. If they could have holden that sovereignty in the case they had received it, they might have holden and kept it perpetually; but this is free and loosed by laws. But (as it is with humane

humane things) the state of affairs tending to worse, the sovereign authority which was ordained for publick utility degenerated into a proud domination. For when the lust of Kings stood in stead of laws, and men being vested with an infinite and immoderate power, did not contain themselves within bound, but connived at many things out of favour, hatred, or self-interest, the insolency of Kings made laws to be desired. For this cause, therefore, laws were made by the people; and Kings constrained to make use, not of their own licentious wills in judgment, but of that right or privilege which the people had conferred upon them: For they were taught by many experiences, that it was better that their liberty should be concredited to laws, than to Kings; whereas the one might decline many ways from the truth, but the other being deaf both to intreaties and threats, might still keep one and the same tenor. This one way of government is to Kings prescribed, otherwise free, that they should conform their actions and speech to the precripts of laws, and by the sanctions thereof divide rewards and punishments, the greatest bonds of holding fast together humane society. And lastly, even as saith that famous Legislator, *A King should be a speaking law, and the law a dumb King.*

M. A T first you so highly praised Kings, that you made their majesty almost glorious
and

and sacred; but now, as if you had repented in so doing, I do not know within what strait bonds you shut them up; and being thrust into the prison (I may say) of laws, you do scarce give them leave to speak. And as for my part, you have disappointed me of my expectation very far: For I expected (according to the most famous Historians) you should have restored the thing which is the most glorious both with God and man, into its own splendor, either of your own accord, or at my desire, in the series of your discourse, which being spoiled of all ornaments, you have brought it into subjection; and that authority, which through all the world is the chiefest, you having hedged in round about and made it almost so contemptible, as not to be desired by any man in his right wits: For what man in his right wits would not rather live as a private man with a mean fortune, than being still in action about other mens affairs, be in perpetual trouble, and neglecting his own affairs, to order the whole course of his life according to other mens rules? But if that be the terms of government every where proposed, I fear there will be a greater scarcity of Kings found, than was of Bishops in the first infancy of our religion. Nor do I much wonder, if Kings be regarded according to this plat-form, being but men taken from feeding cattel, and from the plough,

plough, who took upon them that glorious dignity.

B. CONSIDER, I pray you, in how great an error you are, who does think that Kings were created by people and nations, not for justice, but for pleasure, and does think there can be no honour, where wealth and pleasures abound not; wherein consider how much you diminish their grandeur. Now that you may the more easily understand it, compare any one King of those you have seen apparalled like a child's puppet, brought forth with a great deal of pride, and a great many attendants, meerly for vain ostentation, the representation whereof you miss in that King whom we describe: Compare, I say, some one of those, who were famous of old, whose memory doth even yet live, flourisheth, and is renowned to all posterity. Indeed they were such as I have now been describing. Have you never heard what an old woman, petitioning *Philip* King of *Macedon* to hear her cause, answered him, he having said to her he had no leisure; to which she replied, *Then cease* (said she) *to be King?* Have you never heard (I say) that a King, victorious in so many battels, and conqueror of so many nations, admonished to do his duty by a poor old wife, obeyed, and acknowledged that it was the duty of Kings so to do? Compare then this *Philip*, not only with the greatest Kings that

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are now in *Europe*, but also with all that can be remembred of old, you shall surely find none of them comparable to those, either for prudence, fortitude, or activity; few equal to them for largeness of dominions. If I should enumerate *Agessilaus*, *Leonidas*, and the rest of the *Lacedemonian* Kings (O how great men were they!) I shall seem to utter but obsolete examples: Yet one saying of a *Lacedemonian* maid I cannot pass over with silence; her name was *Gorgo*, the daughter of *Cleomedes*: She seeing a servant pulling off the stockings of an *Asian* Guest, and running to her father, cried out, *Father, the Guest hath no hands*. From which speech of that maid you may easily judge of the *Lacedemonian* discipline, and domestick custom of their Kings. Now those who proceeded out of this rustick, but courageous way of life, did very great things; but those who were bred in the *Asiatick* way, lost, by their luxury and sloth, the great dominions given them by their ancestors. And, that I may lay aside the ancients, such a one was *Pelagius* not long ago among the people of *Galicia*, who was the first that weakened the *Saracen* forces in *Spain*, yet him and all his the grave did inclose, yet of him the *Spanish* Kings are not ashamed, accounting it their greatest glory to be descended of him. But seeing this place doth call for a more large discourse,

let

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let us return from whence we have digressed. For I desire to shew you with the first what I promised, namely, that this form of government hath not been contrived by me, but seems to have been the same to the most famous men in all ages, and I shall briefly shew you the spring from whence I have drawn these things. The Books of *M. Tullius Cicero*, which are entituled, *Of Offices*, are, by common consent of all, accounted most praise-worthy; in the Second Book thereof these words are set down *verbatim*:
“ It seems (as *Herodotus* saith) that of old,
“ well-bred Kings were created, not amongst
“ the *Medes* only, but also amongst our
“ ancestors, for executing of justice; for
“ whilst at first the people were oppressed
“ by those that had greatest wealth, they
“ betook themselves to some one who was
“ eminent for virtue, who whilst he kept
“ off the weakest from injuries, establishing
“ equity, he hemmed in the highest with
“ the lowest, by equal laws to both. And
“ the reason of making laws, was the same
“ as of the creation of Kings; for it is requisite that justice be always equal, for
“ otherwise it were not justice. If this they
“ did obtain from one good and just man,
“ they were therewith well pleased; when
“ that did not occur, laws were made, which
“ by one and the same voice might speak
“ to all alike. This then indeed is evident,
“ that

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“ that those were usually chosen to govern,
 “ of whose justice the people had a great
 “ opinion.” Now this was added, “ That
 “ these Rulers or Kings might be accounted
 “ prudent, there was nothing that men
 “ thought they could not obtain from such
 “ Rulers.” I think you see from these words,
 what *Cicero* judgeth to be the reason of re-
 quiring both Kings and laws. I might here
 commend *Zenophon* a witness requiring the
 same, no less famous in warlike affairs, than
 in the study of philosophy; but that I know
 you are so well acquainted with his writings,
 as that you have all his sentences marked. I
 pass at present *Plato* and *Aristotle*, albeit I
 am not ignorant how much you have them
 in estimation. For I had rather adduce for
 confirmation, men famous in a middle de-
 gree of affairs, than out of Schools. Far less
 do I think fit to produce a stoick King, such
 as by *Seneca* in *Thyestes* is described: Not
 so much because that idea of a King is not
 perfect, as because that examples of a good
 Prince may be rather impressed in the mind,
 than at any time hoped for. But lest in those
 I have produced there might be any ground
 of calumny, I have not set before you Kings
 out of the *Scythian* solitude, who did either
 ungird their own horses, or did other servile
 work, which might be very far from our
 manner of living; but even out of *Greece*,
 and such, who in these very times, wherein
 the

the *Grecians* did most flourish in all liberal sciences, did rule the greatest nations, or well governed cities; and did so rule, that whilst they were alive were in very great esteem amongst their people, and being dead left to posterity a famous memory of themselves.

M. IF now you ask me what my judgment is, I scarce dare confess to you either mine inconstancy or timidity, or by what other name it shall please you to call that vice. For as often as I read these things you have now recited in the most famous Historians, or hear the same commended by very wise men, whose authority I dare not decline; and that they are approved by all good and honest men not only true, equitable and sincere, but also seem strong and splendid again as oft as I cast mine eyes on the neatness and elegance of our times, that antiquity seemeth to have been venerable and sober, but yet rude, and nor sufficiently polished, but of these things we may perhaps speak of hereafter at more leisure. Now if it please you, go on to prosecute what you have begun.

[*B.* MAY it please you then that we recollect briefly what hath been said? So shall we understand best what is past, and if ought be rashly granted, we shall very soon retract it.

M. YES indeed.

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B. FIRST of all then we agree, that men by nature are made to live in society together, and for a communion of life.

M. THAT is agreed upon.

B. THAT a King also chosen to maintain that society is a man eminent in vertue.

M. IT is so.

B. AND as the discords of men amongst themselves brought in the necessity of creating a King, so the injuries of King's done against their Subjects were the cause of desiring Laws.

M. I acknowledge that.

B. WE held Laws to be a proof of the Art of Government, even as the precepts of Physick are of the medicinal art.

M. IT is so.

B. BUT it seems to be more safe (because in neither of the two have we set down any singular and exact skill of their several Arts) that both do, as speedily as may be, heal by these prescripts of Art.

M. IT is indeed safest.

B. NOW the precepts of the medicinal Art are not of one kind.

M. HOW?

B. FOR some of them are for preservation of health, others for restoration thereof.

M. VERY right.

B. WHAT say you of the governing Art?

M. I think, there may be as many kinds.

B. NEXT

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B. NEXT then it seems, that we consider it. Do you think that Physicians can so exactly have skill of all diseases, and of their remedies, as nothing more can be required for their cure?

M. NOT at all, for many new kinds of diseases arise almost in every age, and new remedies for each of them, almost every year are by men's industry found out, or brought from far countries.

B. WHAT think you of the Laws of commonwealths.

M. SURELY their case seems to be the same.

B. THEREFORE neither Physicians, nor Kings can evite or cure all diseases of commonwealth, by the precepts of their Arts, which are delivered to them in writ.

M. I think indeed they cannot.

B. WHAT if we shall farther try of what things Laws may be established in commonwealths, and what cannot be comprehended within Laws.

M. THAT will be worth our pains.

B. THERE seems to be very many and weighty things, which cannot be contained within the Laws. *First*, All such things as fall into the deliberation of the time to come.

M. ALL indeed.

B. NEXT, many things already past, such are these wherein truth is sought by conjectures, confirmed by witnesses, or extorted by torments.

M. YES, indeed.

B. IN unfolding than these questions what shall the King do?

M. I see here there is no need of a long discourse, seeing Kings do not so arrogate the supream power in those things which are institute with respect to the time to come, that of their own accord they call to council some of the most prudent.

B. WHAT say you of those things which by conjectures are found out, and made out by witnesses, such as are the crimes of murder, adultery and witchcraft.

M. THESE are examined by the skill of Lawyers, discovered by diligence, and these I find to be for the most part left to the judgment of Judges.

B. AND perhaps very right; for if a King would needs be at the private causes of each Subject, when shall he have time to think upon peace and war, and those affairs which maintain and preserve the safety of the commonwealth? And lastly, when shall he get leave to rest?

M. NEITHER would I have the cognition of every thing to be brought unto a King, neither can one man be sufficient for all the causes of all men, if they be brought unto him; that counsel no less wise than necessary doth please me exceeding well, which the father in law of *Moses* gave him in dividing amongst many the burden of hearing causes,

causes, whereof I shall not speak much, seeing the history is known to all.

B. BUT I think, these Judges must judge according to law.

M. THEY must indeed do so. But as I conceive, there be but few things, which by Laws may be provided against, in respect of those which cannot be provided against.

B. THERE is another thing of no less difficulty, because all these things which call for Laws, cannot be comprehended by certain prescriptions.

M. HOW so?

B. LAWYERS, who attribute very much to their own Art, and who would be accounted the Priests of Justice, do confess that there is so great a multitude of affairs, that it may seem almost infinite, and say that daily arise new crimes in Cities, as it were several kinds of ulcers, what shall a Lawgiver do herein, who doth accommodate Laws both to things present and preterit?

M. NOT much, unless he be some divine-like person.

B. AN other difficulty doth also occur, and that not a small one, that in so great an inconstancy of humane frailty, no art can almost prescribe any things altogether stable and firm.

M. THERE is nothing more true than that.

B. IT

B. IT seemeth then most safe to trust a skilful Physician in the health of the patient, and also the Kings in the state of the commonwealth. For a Physician without the rule of art will oftentimes cure a weak patient either consenting thereto, or against his will; and a King doth either perswade a new law yet useful to his Subjects, or else may impose it against their will.

M. I do not see what may hinder him therein.

B. Now seeing both the one and the other do these things, do you think that besides the Law, either of them makes his own Law?

M. IT seems that both doth it by Art. For we have before concluded not that to be Art which consists of precepts, but vertue contained in the mind, which the artist usually makes use of in handling the matter which is subject to arts. Now I am glad (seeing you speak ingenuously) that you being constrained, as it were, by an interdiction of the very truth, do so far restore the King from whence he was by force dejected.

B. STAY, you have not yet heard all. There is another inconvenient in the authority of Laws, For the law being as it were a pertinacious, and a certain rude exactor of duty, thinks nothing right, but what itself doth command. But with a King, there is an excuse of infirmity and temerity, and place
of

of pardon left for one found in an error. The law is deaf, cruel and inexorable. A young man, pleads the frailty of his years, a woman the infirmity of her sex, another his poverty, drunkenness, affection. What saith the law to these excuses? Go officer or serjeant, convene a band of men, hoodwink him, scourge him, hang him on a tree. Now you know how dangerous a thing it is, in so great a humane frailty, to have the hope of safety placed in innocence alone.

M. IN very truth you tell me a thing full of hazard.

B. SURELY as oft as these things come into mind, I perceive some not a little troubled.

M. YOU speak true.

B. WHEN therefore I ponder with my self what is before past as granted, I am afraid lest the comparison of a Physician, and of a King in this case seem not pertinently enough introduced.

M. IN what case?

B. WHEN we have liberate both of the servitude of precepts, and given them almost a free liberty of curing.

M. WHAT doth herein especially offend you?

B. WHEN you hear it, you will then judge, two causes are by us set down, why it is not expedient for a people that Kings be loosed from the bonds of Laws, namely love and hatred, which drive the minds of men to
and

and fro in judging. But in a Physician it is not to be feared, lest he fail through love, seeing he expecteth a reward from his patient being restored to health. But if a patient understand that his Physician is solicited by intreaties, promises and money against his life, he may call another Physician, or if he can find none other, I think it is more safe to seek some remedy from books how deaf soever, than from a corrupt Physician. Now because we have complained of the cruelty of Laws, look if we understand one another sufficiently.

M. How so?

B. WE judged an excellent King, such as we may more see in mind than with bodily eyes, not to be bound by any Laws.

M. BY none.

B. WHEREFORE?

M. I think, because, according to *Paul*, he should be a law to himself and to others, that he may express in life what is by law enjoined.

B. YOU judge rightly; and that you may perhaps the more admire, several ages before *Aristotle* did see the same, following nature as a leader, which therefore I say, that you may see the more clearly what hath been proved before, to wit, that the voice of God and nature is the same. But that we may prosecute our purpose. What shall we say they had a respect unto, who first made Laws?

M. EQUITY I think, as hath been said before.

B. I

B. I do not now demand that, what end they had before them, but rather what pattern they proposed to themselves?

M. Albeit perhaps I understand that, yet I would have you to explain it, that you may confirm my judgment, if I rightly take it up, if not, you may amend my error.

B. You I think; what the dominion is of the mind over the body.

M. I seem to know it.

B. You know this also, whatever we do not rashly, that there is a certain Idea thereof first in our minds, and that it is a great deal more perfect than the works to be done, which according to that pattern the chiefest Artists do frame and as it were express.

M. THAT indeed I find by experience both in speaking and writing, and perceive no less words in my mind, than my minds in things wanting. For neither can our mind shut up in this dark and troubled prison of the body perceive the subtilty of all things; nor can we so endure in our mind the representations of things however foreseen in discourse with others, so as they are not much inferiour to these which our intellect hath formed to it self.

B. WHAT shall we say then which they set before them, who made Laws?

M. I seem almost to understand what you would be at. Namely, that they in council had an Idea of that perfect King, and that they

they did express a certain Image, not of the body but of the mind, according to that fore-said Idea as near as they could. And would have that to be in stead of Laws which he is to think might be good and equitable.

M. *Y O U* rightly understand it, for that is the very thing I would say. But now I would have you to consider what manner of King that is which we have constitute at first, was he not one firm and stedfast against hatred, love, wrath, envy, and other perturbations of the mind?

M. *W E* did indeed imagine him to be such a one ; or believed him to have been such to those ancients.

B. *B U T* do laws seem to have been made according to the Idea of him?

M. *N O T H I N G* more likely.

B. A good King then is no less severe and inexorable, than a good law.

M. *H E* is even as severe ; but since I can change neither, or ought to desire it, yet I would flaken both somewhat, if I can.

B. *B U T* God desires not that mercy be shewed even to the poor in judgment, but commandeth us to respect that one thing which is just and equal, and to pronounce sentence accordingly.

M. I do acknowledge that, and by truth am overcome. Seeing therefore it is not lawful to loose Kings from the bonds of laws, who shall then be the lawgiver ? Whom shall we give him as a Pedagogue ? *B.* *W H O M*

B. **W**HOM do you think fittest to perform this duty?

M. **I**F you ask at me, I think the King himself. For in all other arts almost we see their precepts are given by the Artists; whereof they make use, as it were of comments, for confirming their memory, and putting others in mind of their duty.

B. **O**N the contrary I see no difference; let us grant that a King is at liberty and solved from the laws, shall we grant him the power to command laws? For no man will willingly lay bonds and fetters upon himself. And I know not whether it be better to leave a man without bonds, or to fetter him with slight bonds, because he may rid himself thereof when he pleases.

M. **B**UT when you concredit the helm of government rather to laws than to Kings, beware I pray you, lest you make him a Tyrant, whom by name you make a King, who with authority doth oppress and with fetters and imprisonment doth bind, and so let him be sent back to the plough again, or to his former condition yet free of fetters.

B. **B**RAVE words: I impose no Lord over him, but I would have it in the people's power, who gave him the authority over themselves, to prescribe to him a model of his government, and that the King may make use of that Justice, which the people gave him over

ver themselves. This I crave. I would not have these laws to be by force imposed, as you interpret it, but I think that by a common council with the King, that should be generally established, which may generally tend to the good of all.

M. You will then grant this liberty to the people?

B. EVEN to the people indeed, unless perhaps you be of another mind.

M. NOTHING seems less equitable.

B. WHY so?

M. YOU know that saying, *A beast with many heads*. You know, I suppose, how great the temerity and inconstancy of a people is.

[*B.* I did never imagine that that matter ought to be granted to the judgment of the whole people in general, but near that to our custom a select number out of all estates may convene with the King in council. And then how soon an overture by them is made, that it be deferred to the people's judgment.]

M. I understand well enough your advice. But by this so careful a caution you seem to help your self nothing. You will not have a King loosed from laws, why? Because, I think, within man two most cruel monsters lust and wrath are in a continual conflict with reason. Laws have been greatly desired, which might repress their boldness, and reduce them too much insulting, to regard a just government.

ment. What will these counsellors given by the people do? Are they not troubled by that same intestine conflict? Do they not conflict with the same evils as well as the King? The more then you adjoin to the King as assessors there will be a greater number of fools, from which you see what is to be expected.

B. B U T I expect a far other thing than you suppose. Now I shall tell you why I do expect it. First, It is not altogether true what you suppose, *viz*, That the assembling together of a multitude is to no purpose, of which number there will perhaps be none of a profound wit; for not only do many see more and understand more than one of them apart, but also more than one, albeit he exceed their wit and prudence. [For a multitude for the most part doth better judge of all things, than single persons apart.] For every one apart have some particular vertues, which being united together make up one excellent vertue, which may be evidently seen in Physicians pharmacies, and especially in that antidote, which they call Mithredate. For therein are many things of themselves hurtful apart, which being compounded and mingled together make a wholesome remedy against poison. In like manner in some men slowness and lingering doth hurt, in others a precipitant temerity, both which being mingled together in a multitude make a certain temperament and mediocrity, which we require to be in every kind vertue.

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M. BE it so, seeing you will have it so, let the people make laws and execute them; and let Kings be as it were keepers of Registers. But when laws seem to clash, or are not exact and perspicuous enough in sanctions, will you allow the King no interest or meddling here, especially since you will have him to judge all things by written laws, there must needs ensue many absurdities. And, that I may make use of a very common example of that law commended in the Schools. If a stranger scale a wall, let him die, what can be more absurd than this, that the Author of a publick safety (who have thrust down the enemies pressing hard to be up) should be drawn to punishment, as if he had in hostility attempted to scale the walls.

B. THAT is nothing.

[*M.* YOU approve then that old saying, *the highest justice is the highest injury.*

B. I do indeed. If any thing of this kind come into debate, there is need of a meek interpreter, who may not suffer the laws which are made for the good of all to be calamitous to good men, and deprehended in no crime.]

M. YOU are very right, neither is there any thing else by me sought in all this dispute, (if you have sufficiently noticed it) than that Ciceronian Law might be venerable and inviolable *Salus populi suprema Lex esto.* If then any such thing shall come into debate, so that it be clear what is good and just, the
King's

King's duty will be to advert that the Law may reach that rule I spoke of, but you in behalf of Kings seems to require more, than the most imperious of them assume. For you know that this kind of questions is usually deferred to Judges, when Law seemeth to require one thing, and the Lawgiver another; even as these laws which arise from an ambiguous right or from the discord of Laws amongst themselves. Therefore in such cases most grievous contentions of advocates arise in judicatories, and orators precepts are diligently produced.

M. I know that to be done which you say. But in this case no less wrong seems to be done to laws than to Kings. For I think it better to end that debate presently from the saying of one good man, than to grant the power of darkning rather than interpreting laws to subtile men, and sometimes to crafty Knaves; for whilst not only contention ariseth betwixt advocate for the causes of parties contending, but also for glory, contests are nourished in the mean time, right or wrong equity or iniquity is called in question; and what we deny to a King, we grant to men of inferiour rank, who study more to debate than to find out the truth.

[*B.* You seem to me forgetful of what we lately agreed upon.

M. WHAT is that?

B. THAT all things are to be so freely granted to an excellent King, as we have described him, that there might be no need of any Laws. But whilst this honour is conferred to one of the people, who is not much more excellent than others, or even inferior to some, that free and loose licence from laws is dangerous.]

M. BUT what ill doth that to the interpretation of law.

B. VERY much. Perhaps you do not consider, that in other words we restore to him that infinite and immoderate power, which formerly we denied to a King, namely that according to his own heart's lust he may turn all things upside down.

M. IF I do that, then certainly I do it imprudently.

B. I shall tell you more plainly, that you may understand it. When you grant the interpretation of laws to a King, you grant him such a licence, as the law doth not tell what the Lawgiver meaneth, or what is good and equal for all in general but what may make for the interpreter's benefit, so that he may bend it to all actions for his own benefit or advantage, as the Lesbian rule. *Ap. Claudius* in his *Decemviratus*, made a very just law, that in a liberal cause or plea, sureties should be granted for liberty. What more clearly could have been spoken. But by interpreting the same Author made his own law
useless.

useless. You see; I suppose how much liberty you give a Prince by one cast, namely that what he pleaseth the law doth say, what pleaseth him not, it doth not say. If we shall once admit this, it will be to no purpose to make good laws for teaching a good prince his duty; and him in an ill King. Yea, let me tell you more plainly, it would be better to have no laws at all, than that freedom to steal should be tolerate, and also honoured under pretext of law.

M. Do you think that any King will be so imprudent, that he will not at all have any regard of the fame and opinion that all men have of him? or that he will be so forgetful of his subjects, that he will degenerate into their pravity, whom he hath restrained by ignominy, imprisonment, confiscation of goods, and in a word with very grievous punishments?

B. LET us not believe that these things will be, if they had not been done not long ago, and that to the exceeding great hurt of the whole world.

M. WHERE do you tell these things were done?

B. Do you ask, where? as if all the nations in Europe did not only see, but feel also how much mischief hath the immoderate power, and unbridled tyranny of the pope of *Rome* brought upon humane affairs? Even that power which from small beginning and seemingly honest he had got, every man doth

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know that no less can be feared by unwary persons. At first, laws were proposed to us, not only drawn out of the innermost secrets of nature, but given by God himself, explain'd by the prophets from the holy Spirit, at last by the Son of God, and by the same God confirmed, committed to the writings of those praise worthy men, expressed in their life, and sealed with their blood. Neither is there in the whole law any other place more carefully, commendably, or more clearly delivered, than that of the office of Bishops. Now seeing it is lawful to no man to add any thing to these laws, to abrogate or derogate ought therefrom, or to change any thing therein, there did remain but one interpretation, and whilst the Pope did arrogate it, he not only did oppress the rest of the Churches, but claimed a tyranny the most cruel of all that ever were, daring to command not only men but Angels also, plainly reducing Christ into order, if this be not to reduce him into order, that what thou wilt have done in heaven, in earth and amongst the damned in hell, be ratified; what Christ hath commanded, let it be ratified, if thou wilt for, if the law seem to make but little for your behoof, interpreting it thus you may back-bend it, so that not only by your mouth, but also according to the judgment of your mind Christ is constrained to speak. Christ therefore speaking by the mouth of the Pope,

Pipin

Pipin is set in *Childericks* place of government, *Ferdinandus* of *Arragon* substitute to *John King* of *Navarre*; the son arose in arms against his father, and subjects against their King. Christ is full of poison, then he is forced by witches, so that he killeth *Henry* of *Luxemburg* by poison.

M. I have heard these things often before, but I desire to hear more plainly somewhat of that interpretation of laws.

B. I shall offer you one example, from which you may easily understand, how much this whole kind is able to do. The law is, A Bishop must be the husband of one wife, than which law what is more clear, and what may be said more plain? one wife, (saith the Law) one Church, (saith the Pope) such is his interpretation. As if that law were made not to repress the lust of Bishops but their avarice. Now this explanation, albeit it saith nothing to the purpose, yet doth contain a judgment honest and pious, if he had not vitiated that law again by another interpretation. What doth therefore the Pope devise for excuse? It varieth (saith he) in regard of persons, cases, places and times. Some are of that eminent disposition, that no number of Churches can satisfy their pride. Some Churches again are so poor, that they cannot maintain him who was lately a begging *Monk*, if he now have a mitre, if he would maintain the name of a Bishop. There is a reason in-

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vented from that crafty interpretation of the law, that they may be called Bishops of one Church, or other Churches given them in Commendam, and all may be robbed. Time would fail me, if I should reckon up the cheats, which are daily excogitat against one law. But albeit these things be most unbecoming as well the name of a Pope, as of a Christian, yet their tyranny rests not here: For such is the nature of all things, that when they once begin to fall, they never stay until they fall headlong into destruction. Will you have me to show you this by a famous example? Do you not remember upon any of the *Roman* Emperours blood, who was more cruel and wicked than *C. Caligula*.

M. THERE was none that I know of.

B. NOW what was his most nefarious villany think you? I do not speak of those deeds which Popes do reckon up in some reserved cases, but in the rest of his life.

M. I do not at present remember.

B. WHAT do you think of that, that having called upon his horse, he invited him to sup with him? Set a golden grain of barley before him, and made him Consul?

M. INDEED it was most impiously done,

B. WHAT think you of that, how he made the same horse his Colleague in the Priesthood?

M. Do you tell me that in good earnest?

B. IN-

B. INDEED in good earnest, nor do I admire that these things seem to you feigned. But that *Roman Jupiter* of ours hath done such things, that those things done by *Caligula* may seem true to posterity. I say Pope *Julius* the Third, who seems contend- ed with *C. Caligula*, a most wicked wretch, for preheminance of impiety.

M. WHAT did he of that kind?

B. HE made his *Ape-keeper*, a man almost more vile than the vilest beast, his Col- league in the Papacy.

M. PERHAPS there was another cause of chusing him?

B. SOME are reported indeed, but I have picked out the most honest. Seeing then so great a contempt, not only of the priesthood, but also a forgetfulness of humanity arising from this freedom of interpreting laws, be- ware you think that to be a small power.

M. BUT the ancients seem not to have thought it so great a business of interpret- ing, as you would have it seem to be : Which by this one argument may be un- derstood, because the *Roman* Emperours granted it to lawyers ; which one reason doth overturn your whole tedious dispute, nor doth it only refute what you spoke of the greatness of that power, but that also which you most shun, it perspicuously de- clareth what power they granted to others of answering rightly, was not denied to them-

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themselves, if they had been pleased to exercise that office, or could have done it by reason of greater affairs.

B. As for those *Roman* Emperours, whom the Soldiers did chuse indeliberately, and without any regard to the common good of all, these fall not under this notion of Kings which we have described so that by those that were most wicked were they chosen who for the most part were most wicked, or else laid hold upon the Government by violence. Now I do not reprehend them for granting power to lawyers to interpret the law. And albeit that power be very great, as I have said before, it is notwithstanding more safely concredited to them to whom it cannot be an instrument of tyranny. Moreover it was concredited to many whom mutual reverence did hold within the bounds of duty, that if one decline from equity, he might be refuted by another. And if they should have all agreed together into fraud; the help of the judge was above them, who was not obliged to hold for law whatever was given by Lawyers for an answer. And over all was the Emperour, who might punish the breach of laws. They being astricted by so many bonds were hemmed in, and did fear a more grievous punishment, than any reward of fraud they could expect: You see, I suppose then that the
danger

danger to be feared from such kind of men was not so great.

M. HAVE you no more to say of a King?

B. FIRST, if you please, let us collect together, what is already spoken, so that the more easily we may understand, if any thing be omitted.

M. I think we should do so?

B. WE seemed to be at accord sufficiently concerning the origine and cause of creating Kings, and making laws; but of the Lawgiver not so: But at last, though somewhat unwillingly I seem to have consented, being enforced by the strength of truth.

M. CERTAINLY you have not only taken from a King the power of commanding laws, but also of interpreting them, even whilst I as an advocate strongly protested against it. Wherein I am afraid, if the matter come to publick hearing, lest I be accused of prevarication, for having so easily suffered a good cause, as it seemed at first, to be wrung out of my hands.

B. BE of good courage; for if any accuse you of prevarication in this case, I promise to be your defence.

M. PERHAPS we will find that shortly.

B. THERE seems to be many kinds of affairs which can be comprehended within no laws; whereof we laid over a part on ordinary

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ordinary judges, and a part on the King's council by the King's consent.

M. I do remember we did so indeed. And when you was doing that, wot you what came into my mind?

B. How can I, unless you tell me?

M. METHOUGHT you made Kings in a manner like stone seals, which for the most part so seem to lean on the tops of pillars, as if they did sustain the whole fabrick: whereas in effect they bear no more burden, than any other stone.

B. WHAT? good advocate of Kings, do you complain that I lay on them a little burden, seeing both day and night they do nothing else, than seek out others to bear burden with them, or upon whom they may altogether lay the burden, and so disburden themselves. And in the mean time you seem to take it in ill part that I afford them help labouring under their burden.

M. I also very willingly admit these auxiliaries, but such would I have as may serve, but not command, such as may shew the way, but not lead in the way, or more truly draw, or rush them forward as some warlike engine, and leave a King no other power but to assent to them. Therefore I presently expect, that having ended our discourse concerning a King, you would step aside to speak of Tyrants, or somewhere else: For you have inclosed a King within so narrow bounds,
that

that I am afraid, lest, if we tarry longer therein, you drive him out of his greatest wealth, and highest dignity, and banish him, as it were, into some desert Island; where, being spoiled of all his honour he wax old in poverty and misery.

B. YOU feared, as you pretend, the crime of prevarication; but I am afraid, lest in calumniating you wrong the King, whom you endeavour to defend. First, I would not have him to be idle, unless you would appoint idle master-builders: Secondly, you deprive him of good ministers and friends, whom I have adjoyned unto him, not as keepers, but would have them called by him to bear a part of his labour; and these being driven away, you surround him with a band of knaves, who make him to be feared by his subjects: Neither do you think he will be formidable, unless we allow him a great power of doing wrong. I would have him to be by his subjects beloved; not to be guarded by the terrour, but good-will of his subjects, which arms alone do make Kings invincible. Unless you gainsay this, I trust I shall shortly prove it: For I shall lead him out of these you call straits into light; and by one law shall give him so much authority and enlargement, that if he desire more, he may seem imprudent.

M. INDEED I long to hear that.

B. I

B. I shall then fall upon that matter, that I may satisfy your desire as soon as I can. A little before we have confessed, that no law can be so accurately cautioned concerning any affair, but that malicious subtilty may invent some fraud. This, perhaps, will be the better understood by the example already proposed. By the law it is ordained, that no parents transmit their benefices to their bastards. Here, in effect, the law seems clear, yet a cheat is found out; that the father substitute some other man, and that he may deliver that same benefice to the bastard of the former possessor. Thereafter, when as it was carefully ordained by law, that the son should by no means enjoy that benefice which his father had possessed before; yet by this caution it was never a whit the better: For against that law a paction was found out amongst priests, that each of them should substitute the son of the other in his office. And when that was also forbidden, the law was also eluded by another kind of cheat: A pretender was set up against the father, who might pretend he had a right to that benefice. Whilst the father seemingly is a contending with this supposed sycophant, the son doth petition the Pope for the benefice, if so be that the right unto that benefice belong not to either of the parties contending for it; and so the son, by his father's prevarication, doth enjoy his father's benefice,

benefice, and overcometh both the parties, who willingly and freely yield up their plea. Thus you see how many kinds of cheats are invented against one law.

M. I see it.

B. Do not lawgivers seem to do altogether the same herein which physicians do, who whilst they endeavour by applying a plaister to compesce the eruptions of flegm, or of some other hurtful humour, the humour restrained in one place seeks issue in many places at once; and, as a certain *Hydra*, having one head cut off, many heads start up in place of one.

M. NOTHING more like.

B. WHAT was incumbent for a physician to do at first for freeing the whole body at once of peccant humours. Ought not the politick physician to do the same in this case, for freeing the whole commonwealth of evil manners?

M. I think that to be the right way of cure, albeit it be difficult.

B. AND if this can be obtained, I think there would be need of few laws.

M. IT is indeed so.

B. DO TH not he alone seem to confer more for the publick good who can apply this remedy, than all the conventions of all estates met for making of laws?

M. DOUBTLESS far more. But that I may make use of the comick poets words,
who

who is able to undertake so weighty a charge.

B. WHAT if we shall lay it over on the King?

M. MERRILY spoken indeed. What was soon done and easy you have committed to the whole people; but if any thing be difficult and intricate, you will lay it over upon the King alone, as if you thought him not sufficiently bound tying him round about with so many fetters, unless you lay upon him a most grievous burden, under which he may also succumbe.

B. IT is not so, but we contend for a business easy for him to be done; we beseech, he would suffer himself to be exorable.

M. WHAT is that, I pray?

B. THAT as fathers ought to carry towards their children, so in all his life he would behave himself towards his subjects whom he ought to account as children.

M. WHAT is that to the purpose in hand?

B. SURELY this one is certainly the chiefest remedy against corrupt manners; and lest you suppose that it is an invention of mine, hear what *Claudianus* saith: "Thou, King, must as a father rule thy subjects; and no less have a care of all, than of thy self: Let not thy own desire only move thee, but also the publick desires of thy
" peo-

“ people. If thou commandest ought to be
“ done by all, and to be obeyed, obey the
“ same first thy self: Then will the people
“ become the more observant of equity,
“ nor will refuse to bear any burden, when
“ they see their King himself obedient to
“ what he commands. The whole world
“ doth act conform to the example of a
“ King. The laws of Kings prevail not so
“ much to incline mens minds unto obe-
“ dience, as the conversation of the Rulers;
“ for the fluctuating multitude doth always
“ change as their Prince doth. ” Do not
imagine that the Poet, pregnant for under-
standing and learning, did in vain believe
so great force to be herein; for people are
so addicted to the imitation of Kings, in
whom any image of honesty doth shine or
appear, and so endeavour to express their
manners, that whose virtue they admire,
they endeavour also to imitate some of their
vices in speech, apparel, in deport: But in
conforming themselves to the King in ge-
sture, manners of speech, they not only de-
sire to imitate him, but also by flattery they
insinuate themselves into the minds of great
ones, and by these arts they hunt after riches,
honour and preferment, because they know
we have it by nature, that we love not only
our selves, and our own concerns, but em-
brace our own likeness, though vicious in
others. Now that which we demand, not
honest

Q

wickedly

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wickedly and arrogantly, but by intreaty endeavour to obtain, hath a far greater force, than the threatnings of laws, the ostentation of punishments, or armies of soldiers. This reduceth a people without force into modesty, conciliateth to a King his subjects goodliking, increaseth and maintaineth the publick tranquillity, and the wealth of every one severally. Let therefore a King carefully consider, that he is set on the Theatre of the world, and for a spectacle proposed to all, so as no word or deed of his can be concealed. The vices of Kings can never be kept secret. For the supream light of Fate suffers nothing to lie hid in obscurity, and Fame enters into all secret places, and finds out obscure corners. O how much doth it concern Kings to be circumspect on all hands! seeing neither their vices nor their virtues can be concealed, nor yet without a great universal change of affairs. But if any do yet doubt, what great importance there is in the conversation of a Prince, for the emendation of the publick discipline, let him take but a view of the small beginning of the state of *Rome*. That rude people, consisting of shepherds and country inhabitants, I shall not say worse, naturally fierce, having got a very couragious King, and having pitched once their tents, for soliciting the peace of the neighbouring nations, and provoking them to fight, how much do you think of
hatred

hatred and fear was bred in their neighbours? When again that very same people had set over them a pious and just King, they were so suddenly changed, that being wholly devoted to the worship of their Gods, and to acts of justice, that to wrong them their neighbours judged it a crime; even those very neighbours, I say, whose lands before they had laid waste, whose cities they had burnt, and their children and kinsmen they had carried away into bondage. Now if in that barbarity of manners, and rudeness of times, *Numa Pompilius*, (who a little before was brought out of another nation at enmity with them, and made King) could do so much; what shall we expect, or rather what shall we not expect of those Princes, who being supported by affinity, vassals, and much wealth left them by their ancestors, obtain the government, and are born and brought up in expectation thereof? Now how much should it stir up their minds unto virtue, that they hope to have the praise, not of one day, as Stage-players do, the scene being once past, but the good-will, admiration, and perpetual remembrance of their life to all posterity, and know that honours in heaven are prepared for them? I wish I could express in words the representation of that honour, which in mind I have conceived. Now that I may somewhat propose unto your view the same, by some of the first draughts and lineaments

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ments thereof, consider with yourself, how the brazen serpent, erected by *Moses* in the Desert of *Arabia*, did heal the wounds made by other serpents, by a very look of the people thereon. I imagine, that out of the whole people there were some stung by serpents, and running together for present cure, others astonished at the newness of the miracle, and all celebrating with all kind of praise the immense and incredible goodness of God: when they perceive that the pain of that deadly wound was not taken away, either by medicaments, with the torment of the patient, by the physicians labour and assiduous carefulness of friends, nor by any long space of time, but reduced unto health in a moment. Compare now a King with that serpent, and so compare him, that you may reckon a good King amongst the greatest benefits of God; who alone, without any expence of thine, and without thy pains and labour, doth relieve a Kingdom of all its troubles, settleth perturbations, and in a short space bringeth the inveterate ulcers of minds unto a cicatrice or scar: neither is he only a procurer of health to those who behold him near at hand, but also to such as are a far off, and have no hope to see him, in whose image so great a force is presented to the minds of his subjects, that it doth easily perform what the prudence of Lawyers, the science of Philosophers, and the

the experience of so many ages in collecting their several arts could never perform. Now what greater honour, dignity, eminency or majesty can be told or excogitate to be in any man, that by speech, converse, sight, fame, and a tacit species presented to the mind, he may reduce the most luxurious to modesty, the violent to equity, and those that are furious unto a right mind. Can you ask of God a greater benefit than this so much for the good of man's concerns? If I mistake not, this is the true representation of a King, not that of a King guarded with weapons of war, ever fearing others, or making others afraid, by his hatred towards his people measuring his peoples hatred against him. This representation which we have given, *Seneca* in his *Thyestes* hath expressed in very pleasant colours, which verse I doubt not but you know, seeing it is most elegant. Do I now seem to speak basely and contemptuously of a King? and bind him fast loaded with the fetters of laws within a goal, as you did lately say? And not rather do bring him forth into light, and assemblies of men, and set him upon the publick Theatre of mankind, accompanied not with the arrogant company of archers and armed men, and rogues cloathed in silk, but guarded in safety by his own innocency, not with the terror of arms, but by the love of his people; and not only at freedom and set aloft, but honoured, venerable, sacred, and

eminent, and coming forth with the good wishes and fortunate acclamations of the people, and whithersoever he goeth, turning the faces, eyes and hearts of all towards him. What acclamation, or what triumph can be compared with this daily pomp? or if God in human likeness should come down into earth, what greater honour could be given him by men, than that which would be given to a true King, that is to the lively image of God? for neither can love bestow, nor flattery invent a greater honour than this. What do you think of this representation of a King?

M. So splendid and magnificent indeed it is, that it seems nothing can be said or imagined more magnificent. But in these corrupt times of ours, it is hard to find this magnanimity, unless careful education make an honest and good nature and disposition. For the mind being principled with good instructions and acts from infancy, and by age and daily practice confirmed, endeavours by virtue to attain to true glory; in vain it is tempted by the allurements of lusts, or weakened by the impressions of adversity. For thus learning doth perfect natural parts, and good breeding doth strengthen the mind; so that it findeth occasion of exercising vertue amongst the very recreations of pleasures, and these things which usually terrifie weak ones, by reason of difficulty, vertue doth account them

as a matter of praise. Seeing then there is so great importance in learning for all conditions of life, with what great care and solicitude should men foresee, that the tender minds of Kings be rightly principled, even from their very infancy. For seeing many are the benefits of good Kings towards their Subjects, and contrary-wise, many calamities proceed from wicked Princes, than nothing doth seem to have a greater influence upon every rank of men, than the carriage and conversation of Kings and others, who jointly rule publick affairs. For what is done well or ill by private persons, is for the most part hid from the multitude; or by reason of such mens obscure condition thier example belongeth to few. But all the words and deeds of those, who hold the helm of publick affairs, cannot be concealed, being written as it were in a publick monument, as *Horace* saith, but are set before all men for imitation. For they do not turn men's affections to themselves by studying to please them, but by very kindly allurements of utility. And whither soever the inclinations of Kings do drive, they make the publick discipline wheele about with them. But I am afraid, that our Kings will not be intreated to perform what you have now mentioned. For they are so marred by the allurements of pleasures, and deceived with the false shew of honour, that I think they do almost that which some Poets

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report to have befallen the *Trojans* who were in company at sea with *Paris*. For the true *Helena* being left in *Egypt* with *Protheus* a holy and truly religious man, they did contend so pertinaciously the space of ten years for her likeness, that it was the end of a most pernicious war, and of the most flourishing Kingdom in those times. For impotent Tyrants embracing that false representation of a Kingdom, when they have once obtained it by right or wrong, cannot lose it without destruction. Now if any do admonish them, that the true *Helena* for whom they imagine to fight, is elsewhere concealed, they would call him mad.

B. I am indeed glad that you somewhat understand the beauty of that true daughter of *Jupiter* from this her likeness, such as it is, albeit you do not see her self. But if these lovers of that *Helena*, to their great damage, did see the perfect image of the true *Helena*, pourtrayed with her lively colours by some *Protegenes* or *Appelles*, I do not question but they would admire her and fall in love with her. And if they did not command their affections to enjoy that other, they might fall into those grievous punishments, which *Persius* in his *Satyres* doth imprecate on Tyrants. O supream Father of the Gods, be pleased thus to punish cruel Tyrants, when any execrable lust dipt in raging poison doth stir up their spirits, let them see what vertue

is,

is, and let them pine away for sorrow, because they despised her. [And therefore seeing we are fallen in to make mention of Tyrants, may it please you, that streight way we proceed to speak of them?]

M. Y E S, unless you think some other thing should be first spoken.

B. I suppose we shall not deviate, if we proceed in the same footsteps for finding out a Tyrant, wherein we did insist in seeking out a King.

M. I think so. For by that means we shall very easily understand what difference there is betwixt them, if set one against another they be duly considered.

B. A N'D first of all that we may begin at a Tyrant's name, of what language, it is uncertain. I therefore think it now necessary for us to seek therein the Greek or Latin Etymology. Now what the ancients did call Tyranny, I think is not unknown to any who are well versed in human literature. For Tyrants were called both by the Greeks and Latines, who had the full power of all things in their hands, which power was not astricted by any bonds of Laws, nor obnoxious to the cognition of Judges. Therefore in both languages, as you know, not only the noble heroes, and most famous men, but the chiefest of the Gods, and so Jupiter also is called *Tyrannus*; and that even by those who both think and speak honourably of the Gods.

M. I

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M. I know indeed that well enough ; and the rather I much admire, whence it is come to pass, that that name now for so many ages is accounted odious, and also amongst the most grievous reproaches.

B. It seems certainly to have fallen out in this word, which happeneth to be in many others ; for if you consider the nature of words, it hath no evil in it. And albeit some words have a more pleasant sound in the ears of hearers, and others a more unpleasant, yet of themselves they have no such thing, so as to stir up the mind to wrath, hatred, or hilarity, or otherwise to create pleasure or pain and trouble. If any such thing befall us, that happens to fall out usually, not from the word, but from the consuetude of men, and image thereof conceived by the hearers. Therefore a word which amongst some men is honest, amongst others cannot be heard without some preface of, *with reverence.*

M. I remember that the like is befallen the names of *Nero* and *Judas*, whereof the one amongst the *Romans*, and the other amongst the *Jews* was accounted by great men very famous and honourable. But thereafter by no fault of these names, but of these two men, it hath come to pass, that even the most flagitious men will not have these names to be given to their children ; they being buried under such infamy.

B. THE same also is perspicuous to have befallen the word *Tyrant*, for it is credible, that the first Magistrates, who were thus called, were good men: or from hence, that this name was sometime so honourable, that it was attribute to the Gods. But those that came afterward made it so infamous by their wicked deeds, that all men abhorred it as contagious and pestilentious, and thought it a more light reproach to be called an hang-man than a Tyrant.

M. PERHAPS it was the same as befell the Kings in *Rome* after the *Tarquini* were deposed in the name *Dictor* after, *M. Antonius* and *P. Dolabella* were Consuls.

B. JUST so. And on the contrary, base and vulgar names have been made famous by the vertue of men called thereby. As amongst the *Romans*, *Camillus*, *Metellus*, *Scrophæ*: and amongst the *Germans*, *Henry*, *Genserick*, *Charles*. This you shall the better understand, if taking away the name of Tyrant, you consider the thing, notwithstanding that this kind of government hath continued in its former honour and respect amongst many famous nations, as the *Æsymnetæ* amongst the *Grecians*, and the *Dictators* amongst the *Romans*; for both were lawful Tyrants. Now Tyrants they were, being more powerful than the laws; but lawful they were, as being chosen by consent of the people.

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M. WHAT am I hearing? Tyrants and yet lawful? Indeed I did expect a far other thing from you; but now you seem to confound the differences of all Kings and Tyrants.

B. INDEED both Kings and Tyrants amongst the ancients seem to have been altogether one and the same; but I suppose in diverse ages; for I think the name of Tyrants were more ancient; thereafter when they became weary of the name, in their place succeeded Kings by a more plausible name, and more gentle government, and when they also began to degenerate, the moderation of laws were adhibited, which might set limits to the boundless lusts of their government. Now men according to the exigence of times, and their usual way, seeking out new remedies became weary of the old way of government, and sought out new ways. Now our present purpose is to handle both kinds of government, namely that wherein as well the the government of Kings as of laws is the most powerful; and the worst kind of Tyranny, wherein all things are contrary to a Kingdom, and have undertaken to compare them one with another.

M. IT is so. And I earnestly expect you would fall upon that.

B. AT first then we had agreed, that a King was created for maintaining human society, and we determined his office and duty,
that

that by the prescript of laws he should allow every man his own.

M. I do remember that.

B. FIRST then, he that doth not receive a government by the will of the people, but by force invadeth it, or intercepteth it by fraud, how shall we call him?

M. I suppose, a Tyrant.

B. THERE be also many other differences, which I shall briefly run through, because any man may easilly collect them from *Aristotle*; for the government of Kings is according to nature, but that of Tyrants is not. A King doth rule his subjects, and reign over them by their own consent. Tyrants reign over them nill they, will they. A Kingdom is a principality of a free man among free men: Tyranny is a principality of a Master over his slaves. For defence of a Kings safety the subjects watch and ward, for a Tyrant forrainers do watch to oppress the subjects. The one beareth rule for the subjects welfare, the other for himself.

M. WHAT do you say of those who have gotten into their hand the supream authority by force and without the people's consent, and yet for many years did so rule, that the people were not weary of their government? for what could be wanting in *Hiera* the *Syracusan* King, or in *Cosmo de Medices* the *Florentine* Duke to make them just Kings, except the people's suffrages?

B. IN-

B. INDEED we cannot exeme them out of the number of Tyrants. For it was nobly spoken by a notable Historian, albeit you may indeed rule your country and friends by violence and force, and correct their faults, yet it is unseasonable. Then again, such do seem to do just like robbers, who cunningly dividing their ill gotten goods, do seek the praise of justice by injury, and of liberality by robbery, yet do not obtain what they hunt for; by the odiousness of one ill deed they lose all the thanks of their ostentative bounty, and so much the less assurance of their civil disposition do they give their subjects, and that because they do not that for their subjects good, but for their own government, namely, that they the more securely may enjoy their own lusts and pleasures, and establish a sovereignty over the posterity to come, having somewhat mitigated the people's hatred. Which when they have once done, they turn back again to their old manners. For the fruit which is to follow may easily be known by the sower thereof. For he hath the same strength and power to revoke all things at his pleasure, and to transfer unto himself the strength of all laws. Even as if he wou'd abrogate all laws. But this kind of Tyrants had been perhaps tolerable, if without the common destruction of all it could have been taken away, even as we do endure some bodily diseases rather than throw our life into the hazard of a doubtful cure. But they
who

who bear rule, not for their country's good, but for their own self interests, have no regard to the publick utility, but to their own pleasure and lust, they place the stability of their authority in the people's weakness, and think that a Kingdom is not a procuration concredited to them by God, but rather a prey put into their hands. Such are not joined to us by any civil bond, or bond of humanity, but should be accounted the greatest enemies of God and of all men. For all the actions of Kings should aim at the publick safety of their subjects, and not at their own wealth. By how much Kings are raised above other men, so much should they imitate the celestial bodies, which having no good offices of ours given to them, yet do infuse on human affairs a vital and bountiful vertue of heat and light. Yea the very titles wherewith we have honoured Kings (if you remember) might put them in mind of their munificence.

M. METHINKS I remember, namely, that they should use a paternal indulgence towards their subjects committed to them as towards children; the care of a shepherd in procuring their profit; as Generals in maintaining their safety, as governours in excellency of virtues, and as Emperors commanding those things which might be useful.

B. CAN he then be called a father, who accounts his subjects slaves? or a shepherd, who doth not feed his flock, but devoureth them?

them? or a Pilot, who doth always study to make shiprack of the goods in his ship, and who (as they say) makes a leak in the very ship wherein he sails?

M. BY no means.

B. WHAT is he then, who doth not rule for the people's good, but still doth all for himself, who doth not strive with good men in vertue, but contendeth to exceed the most flagitious wretch in vices? who leadeth his subjects into manifest snares?

M. INDEED such shall not be by me accounted either a General, or Emperor, or Governour.

B. IF you then shall see any usurping the name of a King, and in no kind of vertue excelling any of the people, but inferior to many therein, not fatherly affectionate towards his subjects, but rather oppressing them by arrogant domineering, and that thinketh the people is concredited to him for his own gain and not for their safeguard; will you imagine that such a man is truly a King, albeit he goes vapouring with a great many in guard about him, and openly be seen with gorgeous apparel, and make a shew of punishments; can he conciliate the people, and catch their applause by rewards, games, pompous shews, and even mad underminings, and what ever is thought to be magnificent; will you, I say, account such a man a King?

M. Nor

M. NOT indeed, if I would understand my self aright, but void of all human society.

B. WITHIN what limits do you circumscribe human society.

M. WITHIN the very same limits wherein by your preceeding discourse you seemed to include it, namely within the hedge of laws. Which whosoever transgress, be they Robbers, Thieves, or Adulterers, I see them publickly punished, and that to be accounted a just cause of their punishment, because they transgressed the limits of human society.

B. WHAT say you of those, who would never once enter within these hedges?

M. I think they should be accounted enemies to God and men, and reckoned amongst wolves, or some other kind of noisome beasts, rather than amongst men; which whosoever doth nourish, he nourisheth them for his own destruction and others; and whosoever killeth them, doth not only good to himself, but to all others. But if I had power to make a law, I would command (which the *Romans* were wont to do with monsters) such kind of men to be carried away into solitary places, or to be drowned in the depths of the sea afar from the sight of any land, lest by the contagion of their carcases they might infect other men. And rewards to the killers of them to be discerned not only by the whole people, but by every particular person; as useth to be done

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to those who have killed wolves or bears, or apprehended their whelps. For if such a monster should be born, and speak with a man's voice, and have the face of a man, and likeness of other parts, I would have no fellowship with him; or if any man divested of humanity should degenerate into such cruelty, as he would not meet with other men but for their destruction, I think he should be called a man no more than Satyres, Apes, or Bears, albeit they should resemble countenance, gesture and speech.

B. Now, if I mistake not, you understand what a King, and what a Tyrant the wisest ancients meant in their writings. [Will it please you then that we propose some Idea of a Tyrant also, such as we gave in speaking of a King?]

M. Yes, that I do earnestly desire, if it be not a trouble to you.

B. You have not forgot, I suppose, what by the poets is spoken of the furies, and by our divines of the nature of evil spirits, namely that these spirits are enemies of mankind, who whilst they are in perpetual torments yet do rejoice in the torments of men. This is indeed the true Idea of Tyranny. But because this Idea can only be discerned in the imagination, but not by any of the senses, I shall set before you another Idea, which not only the mind may discern, but the senses also perceive, and as it were represented to the
very

very eye. Imagine you see a ship tossed by waves in the sea, and all the shoares round about not only without haven or harbour but also full of most cruel enemies, and the Master of the ship in contest with the company, and yet to have no other hope of safety than in their fidelity, and the same not certain, as knowing well that he puts his life into the hands of a most barbarous kind of men, and void of all humanity, whom by money he may hold trusty, and who for greater gain may be conduced to fight against him. Such indeed is that life which Tyrants embrace as happy. They are afraid of enemies abroad, and of their subjects at home, and not only of their subjects, but of their domesticks, kinsfolk, brethren, wives, children, and near relations. And therefore they have always war, either a foreign war with their neighbours, civil war with their subjects, or a domestick war within doors, or else they are still in fear thereof. Neither do they expect aid any where but by a mercenary way, they dare not hire good men, nor can they trust bad men; what then in all their life can be to them pleasant? *Dionysius* would not let his daughters once become women to trim him, fearing to let the razor come to his throat. *Temoleon* was killed by his own brother, *Alexander Pheræus* by his own wife, and *Sp. Cassis* by his own father. He that still hath such examples set before his eyes, what a

torture do you imagine he carryeth about in his breast? seeing he thinks that he is the mark set for all mankind to shoot at. Neither is he only while awake tormented with these tortures of conscience, but also is awaked out of his sleep by terrifying fights both of the living and dead, and agitate by the fire-brands of hellish furies. For the season which nature doth grant for rest to all creatures, and also to men for relaxation of their cares, to him is turned into horrors and punishment.

M. FORSOOTH you have handled these things very acutely, but I know not if truly also, but yet, if I mistake not, they make not so much for our purpose. For they who have the power to chuse what Kings they please, in them is the power to bind by laws such as they have chosen. But you know that our Kings are not chosen, but born Kings. To whom I have always thought it to be no less hereditary, that their will and pleasure should stand for law, than the Kingdom itself. Nor am I rashly induced to be of this opinion, but convinced by several great authors, with whom I am not ashamed to be mistaken, (if at all I be in any mistake or error.) For not to make mention of others, Lawyers do affirm, that by the royal law which is made for the government of Kings, all the people's power is so transmitted into them, that their will and pleasure

pleasure should be accounted for laws. And indeed from this law did those threatnings of a certain Emperor arise, that he would quite take away from Lawyers all their science, wherein they so much boast, by one edict.

B. You do very well, that whilst you cite a most wicked author of one of the greatest deeds, thought good to suppress his name. For that was *C. Caligula*, who wished but one neck for all the people of *Rome*. Now in that Emperor there was nothing of a man, far less of a King, beside his shape, you are not then ignorant how much authority may be due to him. But as for the royal law, what it is, when, by whom, and in what words it was made, the very Lawyers make no mention. For that power was never in any of the *Roman* Emperors, seeing from them appeals were made to the people. But that ordinance, whereby *L. Flaccus* having oppressed the liberty of the people of *Rome*, established by the silence of other laws; the Tyranny of *L. Sylla*, no man did ever hold for a law. For of that ordinance such was the strength, that whatever *L. Sylla* had done, should be ratified, which law never any free people was so infatuate, as willingly to permit to be imposed on them. Or if any such were, he were indeed worthy to serve perpetually Tyrants, and be punished for his folly. But if any such law have been, let us think

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it was an example proposed to us for caution, but not for imitation.

M. INDEED you admonish well. But that admonition belongeth to them in whose power it is to create such Kings as most please them, but to us it doth not at all belong, who do not by suffrages elect the best Kings, but accept of those that by chance are given us. That also of a certain Lawyer seems properly to quadrate with us, who have given to our King's *Ancestors* that right and authority over us and our posterity, that they and their posterity should perpetually hold their Empire and authority over us. I wish then you had admonished them (I mean our *Ancestors*) who once had it in their own power entirely to admit such Kings as they pleased. But now that counsel of yours too late serves only for this, not to amend the faults that are not in our power, but deplore our *Ancestor's* folly, and acknowledge the misery of our condition. For what can be left to those that are made slaves, but to be punished for other men's folly? and that our punishment may be made more light, let us assuage them by patience; let us not provoke their wrath, by tumultuating importunately, whose dominion over us we cannot cast off, nor diminish their power, nor flee from their force or weakness. Now that royal law, to which you are so much an adversary, was not made in favour of Tyrants, as you would have it seem to be,
because

because it was approved by *Justinian* a very just Prince. With whom so plain flattery would not have had place. For with a foolish Prince, of the Poet would prevail that *whom doth false honour help, or lying infamy terrifie, but a lewd man and a lyar?*

B. INDEED *Justinian*, as history reports, was a great mighty man albeit some do report him to have been cruelly ingrate to *Bellesarius*. But let him be such as you judge he was, yet you may remember, that it is recorded by some almost of that same age with him, that *Tribonius*, a chief man amongst the compilers of these laws, was a very wicked man, and so might easily be induced to gratifie also a very bad Prince. But even good Princes do not hate this kind of flattery. For *even those who will not kill any man, do yet desire to have it in their power, and there is nothing which he dare not believe of himself, seeing his power equal to that of the Gods is commended.* But let us return to our own Princes; to whom you say the Kingdom doth come by inheritance and not by suffrages. Now of our own only I speak, for if I shall digress to speak of foreign Princes, I fear lest our discourse become more prolix than we intended.

M. I think you should do so. For foreign affairs do not much belong to our dispute in hand.

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B. THAT I may therefore begin at the first principles. This is sufficiently agreed upon, that our Princes were chosen for their virtue, who would govern others.

M. So do the writers of our affairs record.

B. NOR is this less known, that many who have reigned cruelly and wickedly have been called to account by their subjects; some adjudged to perpetual imprisonment, others punished partly by exile, and partly by death, against whose killers no inquisition was ever made, even when their sons or kinsmen were assumed into their stead. But who ever had killed good Kings, were most severely punished, so as no where else was murder more severely revenged. And because it would be tedious to rehearse every one, I shall produce some few of these last Kings, whose memory is most recent. The nobility did so grievously punish the murder of *James* the first, (having left as heir his son of six years of age) that by a new and exquisite kind of punishment they put to death several persons of very eminent families, and peers of the land, both for wealth and vassalage eminent: On the contrary, who did condole the death of *James* the third, a man flagitious and cruel? far less revenge it? But in the death of *James* the fourth his son, the suspicion of the crime was punished with death, neither were our ancestors piously inclined

clined towards good Kings, but also gentle and merciful towards wicked Kings. For when one of King *Culen's* enemies had killed him in his journey, whilst he is coming to give an account of his administration, he was severely punished by a sentence of the Estates of Parliament. And likewise was punished as an enemy he who had killed *Evenus* in prison, who had been adjudged to perpetual bonds. And the violent death or parricide of him they punished, whose wicked and vicious life all men had hated.

M. I do not so much enquire at present what some time hath been done, as by what right Kings reign amongst us.

B. THAT we may therefore return thereunto, as in our first Kings until *Kenneth* the third, who first settled the kingdom in his own family, it is very clear what was the peoples power in creating their Kings, and taking order with them, even so it is necessary we know, that he either did that against the peoples will, or by perswasion obtained it.

M. THAT cannot be denied.

B. MOREOVER, if by force he compelled the people to obey him, then how soon the people began to have confidence in their own strength, they might have cast off that violent yoke of Government imposed upon them: Seeing all laws received by kings and people do pronounce, and nature itself doth call

call for it, that whatever is done by force and violence, may be undone by the like violence.

M. WHAT if the people, being by fraud circumvented, or by fear forced, did surrender themselves into that slavery; what for excuse can be pretended, but that they perpetually continue in that case, into which it was once agreed they were to be in?

B. IF you debate with me from that agreement, what excuse there is for undoing the same. I shall on the other hand lay down some reasons why pactions and agreements may be dissolved. And first of all, such as are made through force or fear, in all commonwealths, concerning these there is a sure law, drawn from Nature's spring. Laws allow restitution to be fully made to such as are by fraud circumvented, and think that it should be kept for pupils, and such other persons, who by just law they would have to be defended. What assembly therefore of men can require more justly to have restitution, than a whole people, to whom the wrong is done, which indeed is not done against one part of the commonwealth, but floweth far abroad into all the members of that politick body?

M. I know this law to be made use of in the cases of private persons, nor is it unjust. But there is no necessity we should debate herein, seeing it is far more credible (which is recorded by Historians) that that
right

right was by the peoples will granted to Kings.

B. IT is also credible, that so great a matter was not obtained without some great cause.

M. I do easily assent thereto.

B. WHAT do you think was the chief cause thereof?

M. WHAT other, except that which is recorded? Wearisomness of ambition, tumults, murders, intestine wars, often with the utter destruction of the one party, and always with very great damage of both: For such as did obtain the Government, endeavoured to cut off their brethren, and almost all their near kinsmen, that they might leave the Government the more peaceable to their children, even as we hear is done amongst the *Turks*, and as we see amongst the chief of Clans in our Islands, and in *Ireland*.

B. To which of the two do you think was that contention most pernicious, to the people or to the Princes?

M. CERTAINLY to the Kings, seeing the greatest part of the people securing themselves doth usually stand spectators of Princes contests, and yield always as a prey to the victors.

B. IT seems then that Princes, rather for themselves, than for the good of the people, desired to establish the Kingdom in their own family.

M. THAT

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M. THAT is very probable.

B. NOW that they might obtain that which did so much concern the perpetual dignity; wealth and safety of their family, it is probable, that they did dispense or remit to one another somewhat of their right: and that they might the more easily obtain the peoples good will, liking and consent, they on their part gave them some ease.

M. I believe that.

B. YOU will certainly confess it incredible, that for so great a benefit bestowed on their Kings, they should endure to be in a worse case than formerly they were in.

M. IT is altogether incredible.

B. NEITHER would Kings have desired it with so great ambition, if they had known it would prove hurtful to their children, and unprofitable to the people.

M. NOT at all.

B. IMAGINE then that some one in parliament of the free people did freely ask the King, What if to any King should succeed a son that is a fool, or mad? Will you set such over us to rule us, who cannot rule or govern themselves?

M. I think there was no need to make use of that exception, seeing by the laws it is provided against such a case.

B. WELL said, indeed. Let us then see, if Kings had obtained from the people a free power over the laws, whether that
had

had been unprofitable, especially to those who desired to foresee the good of their own family in time coming.

M. WHY shall we think that that power would be unprofitable?

B. BECAUSE nothing doth so much contribute for the continuance of a Government, as that temperament of Government, seeing it is both honourable for Kings, and moderate and safe for the people. The mind of man hath somewhat sublime and generous imbred therein by nature, that it will obey none, unless he govern profitably: Nor is there any thing more prevalent for maintaining human society, than the mutual exchange of benefits, and therefore *Theopompus* seems to have wisely answered his wife upbraiding him, that by adding the *Ephory* he had diminished the power of his authority, and had left the Kingdom to his sons less than he had gotten it. *It is, saith he, so much the more firm and sure.*

M. WHAT you relate of continuance, I perceive is most true. For I think the Kingdoms of the *Scots* and *Danes* are the most ancient of all that are in *Europe*, nor do they seem by any other means to have attained that antiquity, than by the moderation of the supreme authority, whilst in the mean time the Kingdoms of the *French*, *English* and *Spaniards*, have past so often out
of

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of one family into another. But I do not know if our Kings have been so wise as *Theopompus*.

B. As they have not been so prudent, do you imagine that the people were so foolish, as to neglect an occasion so opportune put into their hand? Or that they were so struck with fear, or seduced by flatteries, as to give themselves over into slavery willingly?

M. PERHAPS it was not. But if the people (which indeed might be) were so blind, that they did not see what might concern their own good, or being careless would not see what might be for their benefit, so as to condemn it, should they not then be justly punished for their folly?

B. IT is not probable, that any such thing was done, seeing we may see the contrary to be observed even to our days. For besides that wicked Kings, as often as they intended tyranny over their subjects, were always restrained, some vestiges of the ancient customs do yet continue in some ancient families. For the old *Scots* even to our very days do chuse their heads of Clans, and having chosen them, do give them a Council of Elders, to which Council whosoever gives not obedience, is deprived of all honour and dignity. What therefore is with very great care observed in the parts, would they be negligent of for the security and safety of all? And would they willingly redact themselves into bondage to him, who was to possess a law-
ful

ful Kingdom instead of some benefit? And would they freely give over their liberty acquired by vertue, defended by arms, not interrupted for so many ages, to one not expecting it, without force, without war? For the calamity of *John Baliol* doth shew that that power was never granted to our Kings, besides the punishments so often taken for their male-administration. Who about two hundred and sixty years ago was by the nobility rejected, because he had subjected himself and his Kingdom to the authority of *Edward* King of *England*, and *Robert* the first was substitute in his stead. The same doth also shew that perpetual custom continued from the beginning of our Government.

M. WHAT custom do you speak of?

B. WHEN our Kings are publicly inaugurat, they solemnly promise to all the people, that they will observe the laws, rites, and old statutes of their predecessors, and use the same power which they have received from them, that whole order of ceremonies doth shew, and the first entry of our Kings into every City, from all which it may be easily understood, what kind of power they did receive from our predecessors, to wit, none other than that they swear to maintain the laws being chosen by suffrages. This condition of reigning did God propose to *David*, and his posterity, and promiseth they should reign so long, as they should obey the laws

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laws he had given them, those things indeed they do, as is probable that our Kings received from our ancestors a power not immense, but within certain limits bounded and limited. And further, there was the confirmation of a long time, and the usurpation of a perpetual right by the people, never reprehended by a publick decree.

M. BUT I fear it cannot be easily obtained of Kings as being perswaded by that probability to condescend to these laws, however sworn unto, or usurped by the people.

B. I also believe, it is no less hard to perswade the people to pass from the right received from their ancestors, approved by the use of so many ages, and practised by one continual tenour. I do not think it needful to proceed by conjectures what the people is to do, since I see what they have done already: But if by the obstinate pertinacy of both the business come to arms, he that prevaieth will give what law and right he pleaseth to the vanquished; but this will not longer continue than he who is vanquished, having again gathered together his forces, shall take up arms again. In all which contentions men usually still fight with very great damage of the people, but with the utter overthrow of Kings. For from this spring do flow all the destructions of all kingdoms.

M. IT must needs be so.

B. I have, perhaps, gone back further
than

than was needful, to the end you might clearly understand what kind of Government there was amongst us of old. For if I had reasoned with you according to the rigour of the law, I might have gained my point in a far more compendious way.

M. ALBEIT you have almost satisfied me already, yet I shall willingly hear what that is.

B. I would then have you first of all to answer me this question, Do you not approve the definition of law set down by lawyers, who say that law is, that which the people knew when demanded by him to whom the prerogative of demanding belongeth?

M. INDEED I do approve it.

(*B.* WE have agreed, that the faults of laws being found out, they may be amended or abrogated by the Lawgivers.)

M. WE did so.

B. I suppose you perceive now, that such as are born Kings are by the laws and suffrages of the people created, no less than those whom we said were elected in the beginning. And that in receiving of laws there will not be remedies wanting in the people, who are the Lawgivers, not only against force and fraud, but also against negligence.

M. I perceive that clearly.

B. ONLY here is the difference, that the law concerning our Kings was made several

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ages before; and when any doth enter into the Kingdom, there useth to be no new law made, but the old law is approven and ratified. But amongst those who have their meeting of Estates at the election of every King, the law useth to be made, the King created and approved, and so to enter into his government.

M. It is so.

B. Now if you please, let us briefly recapitulate what we are at accord in from the very beginning. So that if ought be rashly approven, it may be retracted.

M. I am content.

B. FIRST of all then, it seems that a King is created for the peoples sake, and that nothing more excellent is given us of God than a good King, and more pestilentious than a wicked King.

M. VERY right.

B. WE have also said, that a wicked King is called a Tyrant.

M. WE have said so.

B. AND because there is not such plenty of good men, so as to chuse those who may prove good Kings, nor so great a happiness of birth, as that good luck may offer us those that are good? If we have not such as we would wish, yet we have such as either consent hath approved, or chance hath offered. Now the hazard that occurreth either in chusing new Kings, or in approving such

as are given us by birth, was the cause that we desired laws, which might modify the government of Kings. Now these laws should be nothing else but the express image (as far as may be) of a good Prince.

M. WE are at accord in that also.

B. IT now remaineth, as I suppose, for us to speak of the punishment of Tyrants.

M. THAT only seems to remain unspoken of.

B. IF then a King break all the bonds of laws, and plainly behave himself as a publick enemy, what think you should be done in this case?

M. INDEED I am at a stand here. For albeit the reasons you have given seem to convince me, that we ought to have no society with that King; yet so great is the strength of a constant custom, that in my opinion it hath the strength of a law: Which custom doth so closely cleave to men in their minds, that if at any time it hath brought in an error, better it is to tolerate it, than to marr the constitution of the whole body, whilst we endeavour to cure a disease that is but small by custom. For such is the nature of some diseases, that better it is to endure the pain they bring, than to call for doubtful remedies, in the applying whereof, albeit the cure may be wrought, yet they bring such sharp pains in their cure, as that the cure of the disease is more pernicious

than the disease itself. Next, that which troubles me more is, I see that government which you call Tyranny confirmed by the word of God, and what you abhor as the utter overthrow of laws, God doth call the law of the Kingdom : The authority of that passage of Scripture doth move me more than all the arguments of Philosophers. If you do not explain this to me, the comments of men will not be of so great account with me, but that I may instantly fall away to the adversaries side.

B. YOU are, as I perceive, in the common errour, and that very grievous, who do endeavour to confirm Tyranny by Tyranny : For how great the Tyranny of custom is in the minds of men, wherein it hath taken deepest root, and too often we have found it in this our age, *Herodotus*, an ancient writer, doth give us warning by an old example ; but I need not old examples. Be well advised. Consider with your self how many things there be of great moment, wherein you, following the dictates of reason, have fallen from a custom inveterate so many ages past, so that now you might have learned by domestick experiments, that there is no custom more full of dangers than that which in a publick way they command us to follow. I bid you look well to it round about, how many ruines, and how great slaughters will you see therein ? But if it be
more

more clear (as we say) than the very light, I need not tarry longer in proving or illustrating a thing so perspicuous. Now as for that passage of Scripture, which from the history of the Kings you rather signify than explain, beware, I pray you: You think that the things which God doth abhor in the life of Tyrants, are by him allowed to Kings. Now lest this be, I bid you first consider what that people sought of the Lord: then what causes of a new petition they had. Lastly, what the Lord did answer them. First, they ask a King; but what a King? a lawful King? Such a one they had. For *Samuel* was given them by the Lord, whose prerogative it was to set a King over them. He had for many years judged them lawfully, according to prescript of God's law; but whilst in his old age his sons did judge, they did many things wickedly, and judged contrary to the laws. I see no reason why they should ask the change, or rather amendment of the government, or expect the same from the Lord, who not long before had quite rooted out the whole family of *Heli*, almost for the like cause. What do they then ask? A King, such as their neighbouring nations had, who at home might be a judge to them, and abroad a leader of their armies. Now in effect such were Tyrants: For as the people of *Asia* are of a more servile disposition than those of *Europe*, so did they the

Samuel

more easily obey the commands of Tyrants. There is no mention made, for ought I know, by any Historian of any lawful King in *Asia*. Moreover, it doth easily appear that a Tyrant, and not a King, is there described, in regard the Lord in *Deuteronomy* had prescribed to them a form, not only different from this in that place cited by you, but also plainly contrary thereto; according to which form *Samuel* and the other Judges had judged so many years, which whilst they did reject, the Lord complains that he was by them rejected.

M. BUT the Lord doth not call him Tyrant, but ever King.

B. HE calls him indeed King: For it is peculiar to the Lord, to use the common speech of the people, as often as he speaketh to a people. And therefore he maketh use of that word with the vulgar people: But lest an ambiguous use thereof might deceive, he doth eloquently expound what the use of that word was amongst neighbouring nations.

M. AS that may be true, yet that of the apostle *Paul* doth urge us more narrowly, who commandeth us to pray for the safety of Princes: He is so far from permitting us to revile Government, much less to dethrone such as are invested therewith, or to kill them being thrown down. But what Princes doth he recommend to our prayers? The most cruel that ever were, *Tiberius, Caligula, Claudius, Nero*. For *Paul's* Epistles were almost contemporary with them.

B. THAT

B. THAT you make so much account of the authority in *Paul*, so as one sentence of his hath more weight with you than the writings of all Philosophers and Lawyers, I think you do well; but see that you consider well his judgment, or meaning; for you must not examine the words only, but in what time, to whom, and why he wrote. First then let us see what *Paul* did write. For he writeth to *Titus*, chap. 3. *Put them in mind to be subject to principalities and powers, and to be ready to every good work.* I suppose you see what end of obedience and subjection he appoints. He likewise to *Timothy*, Chap. 2. doth write, that we should pray for all men, *even for Kings, and other Magistrates, that, saith he, we may live a peaceable life in all godliness and honesty.* And here you see what end of praying he appoints; namely, not for the King's safety, but the Churches tranquility, from which it will be no difficult thing to conceive also the form of prayer. Now in his Epistle to the *Romans*, he doth define a King near to a logick subtilty; *For, saith he, he is a Minister to whom the sword is given by God, for punishing the wicked, and for cherishing and relieving the good.* For, saith *Chrisostom*, these things are not by *Paul* written of a Tyrant, but of a true and lawful Magistrate, who is the Vice-gerent of the true God on earth, whom whosoever resisteth, doth cer-

tainly resist the ordinance of God. Now albeit we ought to pray for wicked Princes, we should not thence conclude, that their vices should not be punished; nor will it more follow that we should not punish the rapines of *Robbers*, for whom we are also commanded to pray. And if we should obey a good Prince, it will not therefore follow that we should not resist a wicked Prince. But if you consider the reason which did move *Paul* to write these things, look that the place or argument make not much against you. For he wrote this to chastise the rashness of some, who did deny the authority to be necessary for *Christians*. For since the power of Magistrates is ordained against wicked men, that we may all live righteously; and an example of divine Justice might remain amongst men, they affirmed that there was no use thereof amongst men, who abhor so much the contagion of vices, as that they are a law to themselves. *Paul* doth not therefore speak of those who bear rule as Magistrates, but of Magistracy itself, that is, of the Function and office of those who rule; nor yet of one or other kind of Magistracy, but of every form of a lawful Magistracy. Nor doth he debate with those who think that wicked Magistrates should be restrained, but with those men who deny all authority of Magistrates, who absurdly interpreting *Christian* liberty, did affirm

firm it to be an indignity for those that were made free by the Son of God, and ruled by the Spirit of God, to be under the power of any man. That *Paul* might refute their error, he sheweth, that Magistracy is a thing not only good, but also sacred, namely an ordinance of God, and for that end institute, that the assemblies and incorporations of men might be so continued, that they might acknowledge God's benefits towards them, and might forbear to wrong one another. God commanded them to be keepers of his laws who were constitute in dignity. Now if we confess laws to be good (as indeed they are) and the keepers thereof worthy of honour, we will be forced to confess that the office of the keepers is a good and profitable thing. But Magistracy is terrible: But to whom? to the good, or bad? To the good it is not a terror; it being to them a defence from injury; but to wicked men it is a terror; it is not so to you, who are ruled by the Spirit of God. But you will say to me, what need have I then to be subject to Magistracy, if I be the Lord's freeman? Yea, that you may approve your self to be the Lord's freeman, obey his laws; for the Spirit of the Lord, by whom you boast to be led and governed, is both the Lawgiver, and approver of Magistrates, and also the author of obedience to Magistrates. We therefore in this will easily agree together, that there is need of Magistracy

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stracy even in the best Commonwealths, and that we should every way honour the same. But if any man think otherwise, we account him mad, infamous and worthy of all punishment; for he doth plainly contraveen the will of God revealed to us in the Scriptures. But as for *Caligula, Nero, Domitian*, and such like Tyrants, why they should not be punished as breakers of divine and human law, you have nothing here from *Paul*, who treats of the power of Magistrates, but not of the wicked Ministers of that power; nor will they be at all Magistrates, if you examine that kind of Tyrants according to *Paul's* rule. But if any will debate that wicked Princes are also ordained by God, look that this his discourse be not captious. For (as they say in proverb) God may put a hard wedge to cleave a hard knot, so doth he set up a wicked man for punishing of wicked men; but no man in his right wits dare affirm, that God is therefore the author of evil, or wickedness, even as no man is ignorant that he is the author of punishing wicked men. A good Magistrate also for the most part chuseth a wicked man to be an hangman for punishing guilty persons. And albeit indeed that a Magistrate doth assume such an hangman for that office, yet no impunity is granted him of all his misdeeds. Nor will the Magistrate have him to be so above the laws, as that he cannot be questioned thereby. I will not stay longer upon this similitude,

tude, lest Court-flatterers cry out that I speak basely of the supream Magistrate. But however they exclaim, certainly this they cannot deny, that the hangman's function is a part of the publick office, and perhaps of the royal office, or at least by the testimony of very Kings; who complain that their Majesty and person is wronged, as oft as any of their publick Ministers is wronged, or violence done to them. Now the punishment of wicked Malefactors, and whatever else of that kind, doth belong to the King's office. What say you of Majors or Provosts in Towns? What of Generals of Armies? What of Bailies? What of Sheriffs? Doth not *Paul* command us to be subject to them? Doth he hold them for private persons? Now an account useth to be taken for male-administration of all, not only of inferiour Magistrates, but also of such as are equal to Kings. I would therefore have them, who from *Paul's* words do dream that so great a power is given to Kings, to shew me from him, that Kings only are here to be understood by the name of power, and therefore they only are to be exempted from the punishment of laws; or if, when we say powers, other Magistrates be also understood by the same Author, who are ordained by God for the same use: I would have them also to shew me where all Magistrates are loosed from the laws, and pronounced free from the fear of punishment; or if this immunity be
granted

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granted to Kings only, but denied to others who are set in authority.

M. BUT *Paul* will have all to be subject to the higher powers.

B. HE commandeth so indeed, but by this name of power he must needs comprehend other Magistrates, unless pethaps we imagine that *Paul* doth think no power at all to be in those Commonwealths, which have not kingly Government, but plainly an anarchy therein.

M. I do not believe that, nor is it probable; and the rather I am of this opinion, because the current of all the most learned Interpreters on the place make for you; who think that *Paul's* dispute there was against those that affirmed that no Laws and Magistrates did at all belong to them.

B. WHAT say you to that which I lately spoke? Do you think, that those Tyrants before mentioned, of all men the most cruel, are meant by the Apostle?

M. Yes, but what produce you against me to hinder me from the belief thereof? especially seeing *Jeremy* doth earnestly advise the *Jews*, and that by command of God, to obey the King of *Assyria*, and by no means to reject his authority, and thence they infer by the like reason, that obedience should be given to other Tyrants also, how cruel soever.

B. THAT

B. THAT I may answer first to what you last spoke, you must take notice, that the Prophet doth not command the *Jews* to obey all Tyrants, but the King of *Assyria* alone: Now if you would conclude the form of a law from that which is commanded to be done to one single person, first you are not ignorant (for Logick hath taught you that) what a great absurdity you will make; next you will be in danger to be assaulted by the opposers of Tyranny with the like weapons: For you must either shew what singular thing there is in that matter, or propose it to be imitate by all every where; or if you cannot do this, you must acknowledge, that whatever is enjoined concerning any one person by any special command of God, it doth alike belong to all. If you shall once admit this (which you must needs do) it will be instantly objected, that *Ahab* was killed by God's command, and a reward was also promised and performed to him that should kill him. Whenever therefore you betake your self to that refuge, you must obey all Tyrants; because God by his Prophet did command his people to obey one Tyrant. It will be instantly replied, that all Tyrants ought also to be killed, because *Ahab* at the command of God was killed by the Captain of his host. Therefore I advise you to provide a more firm defence from Scripture for Tyrants; or then laying the same aside at present,

sent, you may have your recourse to the Philosophers school.

M. I shall indeed think upon it. But in the mean time let us return from whence we have digressed. What do you bring from Scripture, why Tyrants may be lawfully killed?

B. FIRST of all I proffer this, that seeing it is expressly commanded to cut off wickedness and wicked men, without any exception of rank or degree, and yet in no place of sacred Scripture are Tyrants more spared than private persons. Next, that the definition of powers delivered by *Paul* doth not wholly belong to Tyrants, because they accommodate not the strength of their authority for the benefit of the people, but for fulfilling their own lusts. Farther, we should diligently consider how much power *Paul* doth grant to Bishops, whose function he doth highly and truly praise, as being some way like unto Kings, as far as the nature of both their functions can admit. For Bishops are Physicians of internal diseases, as Kings are Physicians of external distempers; and yet he would neither of them to be free from, or not liable to the jurisdiction of the other. And even as Bishops are subject to Kings in the exercise of their civil Government, so ought Kings to obey the spiritual admonitions of Bishops. Now albeit the amplitude and dignity of Bishops be so great, yet no
law

law divine or human doth exeme them from the punishment of crimes. And, to pass by others, the very Pope, who is accounted the Bishop of Bishops, who so exalts himself above all Kings, that he would be accounted a certain God amongst men, yet is he not exempted from the punishment of laws, no not by his own Canonists, a kind of men very devoted to him. For seeing they would think it absurd that God (for they do not hesitate to call him thus) should be obnoxious to men's censure, and think it unjust that the greatest crimes and most filthy abominations should pass unpunished in any, and yet they have found out a way whereby crimes may be punished, and the Pope accounted sacred and inviolable. For the priviledge of the Pope is one thing, and of that man who is Pope is another, say they; and whilst they exeme the Pope (whom they deny can err) from the cognition of the laws, yet do they confess him to be a man obnoxious to vices and punishment of vices; nor have they more subtilly than severely declared their judgment herein. It would be tedious to rehearse, what Popes (to speak after their usual way) what men personating Popes, who not only alive were forced to renounce their popedom, but being dead were pulled out of their graves, and thrown into *Tiber*. But to omit old Histories. The recent memory of Pope *Paul* the fourth is fresh in our mind, for his own

Rome

Rome did witness a publick hatred against him by a new kind of decree. For they vented their fury (he being by death taken away) against his nearest kinsfolk, his statues, and painted images or pictures. Nor should this interpretation seem more subtil, whereby we separate the power from the person in power, than philosophy doth acknowledge, and the ancient interpreters do approve, nor is the rude multitude and strangers to subtil disputing ignorant thereof; for the meanest tradesmen take it for no blot upon their trade, if a Smith or Baker be hanged for robbery, but are rather glad that their society is purged of such villains. But if there be any of another mind, I think it is to be feared, that he seems to be rather grieved at those mens punishment with whom he is associate in their villany, than for the infamy of their society. I am of the opinion, if Kings would abandon the counsels of wicked men and flatterers, and measure their own greatness rather by duties of virtue, than by the impunity of evil deeds, they would not be grieved for the punishment of Tyrants, nor think that royal Majesty is lessened by whatsoever destruction of Tyrants, but rather be glad that it is purged from a most filthy blot of wickedness; especially seeing they use to be highly offended with robbers, and that very justly, if any of them in their malefices pretend the King's name.

M. F O R S O O T H, they have just cause; but laying these things a-side, I would have you go on to the other head you proposed.

B. W H A T heads do you mean?

M. N A M E L Y in what time, and to whom *Paul* wrote these things, for I desire to know what the knowledge thereof doth make for the argument in hand.

B. I shall herein obey you also. And first I shall speak of the time: *Paul* wrote these things in the very infancy of the Church, in which time it was not only necessary to be blameless, but none was to give occasion to such as sought occasion of reproaching, and unjust causes of staining the professors of Christianity? next he wrote to men of several nations, and so gathered together into one society out of the whole body of the *Roman* Empire, amongst whom there were but few very rich, yea almost none, who either had ruled, or could rule, or were in any great account amongst their fellow-citizens, they were not so many in number, and these almost but strangers, and for the most part but lately freed of bondage, and the other but tradesmen and servants. Amongst them there were many who did farther pretend christian liberty, than the simplicity of the Gospel could suffer. Now this company of people out of the promiscuous multitude, which did won their living, though meanly, by hard labour, was not to be so careful of the state of the Com-

monwealth, of the Majesty of the Empire, and of the conversation and duty of Kings, as of the publick tranquillity, and their domestick affairs, nor could they justly claim any more, than to lye lurking under the shadow of whatever Government they were under. If that people had attempted to lay hold upon any part of Government, they should have been accounted, not only foolish, but mad. Nor should they come out of their lurking holes to breed trouble to those that did hold the helm of publick affairs in hand. Immature licentiousness was also to be repressed, an unfit interpreter of christian liberty. What then doth *Paul* write? doubtless, new precepts; no, but only these usual precepts, namely, that Subjects should obey their Rulers, servants their masters, and wives their husbands; nor should we think the Lord's yoke, how light soever, doth liberate us of the bonds of our duty, but with a more attentive mind than before to be bound thereunto, so that we should omit nothing through all the degrees of duties in our relations, that might any ways make for acquiring the favour and good will of men. And so it should come to pass, that the name of God should be well spoken of amongst the Gentiles because of us, and the glory of the Gospel more largely propagate. For performing of these things, there was need of publick peace, the keepers whereof were Princes and Magistrates, albeit wicked. May it please you,
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that I set before you a manifest representation hereof? I imagine that one of our Doctors doth write to the Christians, that live under the *Turks*, to men, I say, of mean fortune, sore dejected in mind, weak and few in number, and exposed to the injuries of all and every one. What else, I ask you, would he advise them; than what *Paul* did advise the Church that then was at *Rome*, or what *Jeremy* advised the exiles in *Assyria*? Now this is a most sure argument that *Paul* had a regard to those men's condition to whom he did write, and not to all others, because he diligently sets home the mutual duties of husbands towards their wives, of wives towards their husbands, of parents towards their children, and of children towards their parents, of servants towards their masters, and of masters towards their servants. And albeit he writes what the duty of a Magistrate is, yet he doth not give them any particular compellation, (as he had done in the preceeding relations.) For which cause we shall judge that he gave no other precepts for Kings, and others in authority; especially seeing their lust was to be much more restrained, than that of private persons? What other cause may we imagine, than that at that time there were no Kings or Magistrates in the Church to whom he might write? Imagine that *Paul* doth now live in our days, wherein not only the people, but Princes also profess Christianity. At

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the same time, let there be some Prince, who doth conceive, that not only should human laws, but also divine laws be subject to his lust and pleasure, and who will have not only his decrees, but also his very nods to be accounted for laws, like that man in the Gospel, who neither did fear God, nor reverence man, who distributes the Church revenues amongst villains and rascals, if I may so say; and doth mock the sincere worshippers of God, and accounts them but fools and madmen, or fanaticks; what would *Paul* write of such to the Church? If he were like himself, he would certainly deny that he should be accounted a Magistrate. He would interdict all Christians to have any communion with him, either in diet, speech, or converse, and leave him to the people to be punished by the laws, and would think they did nothing but their duty, if they should account him not to be their King, with whom they were to have no fellowship by the law of God. But there will not be wanting some court slaves, or sycophants, who finding no honest refuge, become so impudent, as to say, that God being angry against a people doth set *Tyrants* over them; whom, as hangmen, he appoints for punishing them. Which to be true I do confess; yet it is true, that God many times doth stir up from amongst the lowest of the people some very mean and obscure men to revenge tyrannical pride
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and weaknes; for God (as before is said) doth command wicked men to be cut off; and doth except neither degree, sex, or condition, nor yet any man. For Kings are not more acceptable to him than beggars. Therefore we may truly aver, that God being alike the father of all, to whose providence nothing lies hid, and whose power nothing can resist, will not leave any wickedness unpunished. Moreover, another will stand up and ask some example out of Scripture of a King punished by his Subjects; which albeit I could not produce, yet it will not presently follow, that because we do not read such a thing therein to have been done, that it should be accounted for an high crime and malefice. I may rehearse amongst many Nations very many and sound laws, whereof in holy writ there is no example. For as the consent of all Nations doth approve, that what the law doth command, is accounted just, and what it forbiddeth, is unjust, so since the memory of man it was never forbidden, that what should not be contained in laws, should not at all be done. For that servitude was never received, nor will the nature of things so fruitful of new examples suffer the same to be received, that whatever is not by some law commanded, or recorded by some famous example, should be accounted for a great crime and malifice. If therefore any man shall ask of me an exam-

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ple out of the sacred Scriptures, wherein the punishment of wicked Kings is approven, I shall again ask him, where is the same reprehended? But if nothing done without some example doth please; how many civil statutes shall we have continued with us? how many Laws? for the greatest part thereof is not taken out of any old example, but established against new deceits, and that without example. But we have already answered those that require examples more than was needful; now if the *Jewish* Kings were not punished by their Subjects, they make not much for our purpose in hand. For they were not at first created by the people, but were by God given them. And therefore very justly, he who was the author of that honour, was to punish their misdeeds. But we debate, that the people, from whom our Kings enjoy what ever privilege they claim, is more powerful than their Kings; and that the whole people have that same privilege over them, which they have over every one in particular of the whole people. All the rights and privileges of foreign Nations, who live under lawful Kings do make for us; all the Nations which are subject to Kings chosen by themselves, do commonly agree herein, that whatever privilege the people hath given to any, the same they may require again very justly. All Commonwealths have still retained this privilege. Therefore *Lentulus*, hav-
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ing conspired with *Catiline* for overturning the Commonwealth of *Rome*, was compelled to renounce his pretorship, and the *Decemviri*, the makers of the *Roman* laws, were taken order with, even whilst they enjoyed the supream authority; some Dukes of *Venice*, and *Chilpericus* King of *France*, laying aside their royal honours, as private men spent their days in Monasteries. And not long ago, *Christiernus* King of the *Danes*, twenty years almost after he was deprived of his Kingdom did end his life in prison. Now the dictatorship (which was a kind of Tyranny) was in the people's power. And this privilege hath been constantly observed, that publick benefices granted amiss, and the liberty granted to ingrate persons set at liberty (whom laws do very much favour) might be taken back again. These things we have spoken of foreign Nations, lest we alone seem to have usurped any new privilege against our Kings. But as to what doth properly belong to us, the matter might have been handled in few words.

M. WHAT way? for this I am very desirous to hear.

B. I might enumerate twelve or more Kings, who for great crimes and flagitious deeds have been either adjudged to perpetual imprisonment, or escaped the just punishment of their wickedness, either by exile or voluntary death. But lest any blame me for re-

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lating old and obsolete stories, if I should make mention of *Culen*, *Even*, and *Ferchard*, I shall produce some few within the memory of our fore-fathers. All the Estates in a publick convention judged *James* the third to have been justly killed, for his great cruelty and flagitious wickedness towards his subjects, and did caution that none of them who had aided, consented, or contributed money, or had been active therein, to be called thereafter into question therefore. That they therefore did judge the deed to be duly and orderly done, it being once down, doubtless they desired it might be set down for an example in time coming, surely no less, than *L. Quintius* sitting in Judgment did commend *Servilius Ahalus* for having killed before the bench *Sp. Mellus* turning his back and refusing to compare into judgment, and that he was not guilty of bloodshed, but thought him to be *nobilitat* by the slaughter of a *Tyrant*, and all posterity did affirm the same. What subject hath ever approved the slaughter of one affecting tyranny? What do you suppose would he have done with a *Tyrant* robbing the goods of his Subjects and shedding their blood? What hath our men done? Do not they seem to have made a law, who by a publick decree without any punishment, have past by a flagitious crime committed, if such like shall happen in time coming? for at most there is no
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difference whether you judge concerning that which is done, or make a law concerning what is to be done. For both ways a judgment is past concerning the kind of the crime, and concerning the punishment or reward of the actor.

M. THESE things will perhaps have some weight amongst us. But I know not how other nations abroad will take them. You see I must satisfy them. Not as in a judicial way I were to be called in question for the crime, but openly amongst all concerning the same, not mine (for I am far from any suspicion thereof) but of my countrymen. For I am afraid, lest foreign Nations rather blame the decrees, wherewith you suppose you are sufficiently protected, than the crime it self full of cruelty and hatred. But you know, if I mistake not, what is usually spoken according to the disposition and opinion of every one on both hands, concerning the examples you have proposed. I would therefore (because you seem to have expedited what is past, not so much from the decrees of men, as from the springs of nature) you would briefly expound if you have ought to say for the equity of that law.

B. ALBEIT that may seem unjust to stand at the bar to plead amongst foreigners for a law approved from the very first times of our *Scots* Government of Kings, by the constant practice of so many ages ago, necessary

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cessary for the people, not unjust for Kings, but lawful, but now at last accused of illegality; yet for your sake I shall try it. And as if I were debating with those very men who would trouble you, I first ask this. What do you think here worthy of reprehension? Is it the cause? Why is it sought for? Or is it the law itself which you reprehended? for the law was sought for repressing the unjust lusts of Kings. Whoever doth condemn this, must likewise condemn all the laws of all Nations, for all laws were desired for the very same cause. Do you reprehend the law itself? Do you think it lawful that Kings be exempted of, or not liable to the laws? Let us then see if that be also expedient. And for proving that it is not expedient for the people, there needs not many words. For if in the former discourse we have rightly compared a King to a *Physician*, as it is not expedient for people that impunity be permitted to a *Physician* for killing whom he pleaseth, so it is not for the good of all, that a promiscuous licence be granted to Kings for making havock of all. We have no cause then to be offended with a people, whose chief power it is in making laws; if as they desire a good King to be set over them, even so a Law to be set over a King none of the best. But if this law be not for the King's use, or profit, let us see if the people should be dealt with to remit somewhat of their
their

their privilege, and of abrogating it, not for the space of three days, but, according to our usual way, we indict a parliament to meet within forty days. In the mean time, that we may reason together concerning the law, tell me, Doth he seem to respect the good of a madman, who looseth his bonds?

M. NOT at all.

B. WHAT do you think of him who giveth to a man sick of a fever, so as he is not far from madness, a drink of cold water, though earnestly craving it, do you think he deserveth well of that sick man?

M. BUT I speak of Kings of a sound mind. I deny that there is any need of medicine for such as are in health, nor of laws for Kings of a sound mind. But you would have all Kings to seem wicked, for you impose laws upon all.

B. I do not think that all Kings are wicked. Nor do I think all the people to be wicked, and yet the law in one voice doth speak to the whole people. Now wicked men are afraid at that voice; good people do not think it belongs to them. Thus good Kings have no cause to be offended at this law; and wicked Kings, if they were wise, would render thanks to the Lawgiver, who hath ordained what he understood would not be profitable for them, nor to be lawful for them to do: Which indeed they will not do, if so be they shall once return again to their
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right mind. Even as they who are restored to health do render thanks to their Physician, whom before they had hated, because he would not grant their desires whilst they were sick. But if Kings continue in their madness, whoever doth most obey them, is to be judged their greatest enemy. Of this sort are flatterers, who by flatterering their vices, do cherish and increase their disease, and at last together almost with Kings are utterly ruined.

M. I cannot indeed deny, but that such Princes have been and may be restrained by law-bonds: For there is no monster more violent and more pestiferous than man, when (as it is in the Poets fables) he is once degenerate into a beast.

B. You would much more say so, if you consider how many ways a man becomes a beast, and of how many several monsters he is made. Which thing the old Poets did acutely observe and notably express, when they say that *Prometheus* in the framing of man did give him some particle out of every living creature. It would be an infinite work for me to relate the natures of all one by one. But certainly two most vile monsters do evidently appear in man, wrath and lust. But what else do laws act or desire, but that these monsters be obedient to right reason? And whilst they do not obey reason, may not laws by the bonds of their sanctions restrain them?

them? Whoever then doth loose a King, or any other from these bonds, doth not loose one man; but throws in against reason two monsters exceeding cruel, and armeth them for breaking asunder the bars of laws: So that *Aristotle* seemeth to have rightly and truly said, *That he who obeyeth the law, doth obey both God and the law; but he that obeyeth the King, doth obey both a man and a beast.*

M. ALBERT these things seem to be said appositely enough, yet I think we are in a mistake two ways. First, because the last things we have spoken seem not to agree well enough with the first. Next, because, as we may well know, we seem not to have yet come to the main point of our debate. For a little before we were at agreement, that the voice of the King and law ought to be the same; here again we make him subiect to the laws. Now though we grant this to be very true, what have we gained by this conclusion? For who shall call to an account a King become a Tyrant? For I fear a privilege without strength will not be powerful enough to restrain a King forgetful of his duty, and unwilling to be drawn unto judgment, to answer for male-administration.

B. I fear ye have not well pondered what we have before debated concerning the royal power: For if ye had well considered it,
you

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you had easily understood what you now have said, that betwixt them there is no contradiction. But that you may the more easily take it up, first answer me, when a Magistrate or Clerk doth utter the words of a proclamataion before an Herauld, is not the voice of both one and the same? I say of an Herauld and of a Clerk?

M. IT is the same indeed.

B. WHICH of the two seem greatest?

M. HE who first doth utter the words.

B. WHAT is the King who is the author of the edict.

M. GREATER than both.

B. THEN according to this similitude let us set down the King, the law, and the people. The voice is the same both of King and law. Which of the two hath the authority from the other? The King from the law, or the law from the King?

M. THE King from the law?

B. FROM whence collect you that?

M. BECAUSE the King was not sought for to restrain the law, but the law to restrain the King. And from the law he hath that, whereby he is a King; for without the law, he would be a Tyrant.

B. THE law then is more powerful than the King; and is as a Governess and Moderatrix both of his lust and actions.

M. THAT is already granted.

B. WHAT?

B. WHAT? is not the voice of the people and the law the same?

M. THE very same.

B. WHICH of the two is most powerful, the people or the law?

M. I think the whole people.

B. WHY do you think so?

M. BECAUSE the people is as it were the parent of the law, certainly the author thereof, they being able to make or abrogate it as they please.

B. SEEING then the law is more powerful than the King, and the people more powerful than the law, we must see before which we may call the King to answer in judgment. Let us also discuss this. Are not the things which for some others sake are institute, of less account than those for whose sake they are required or fought?

M. I would have that more clearly explained.

B. FOLLOW me thus: Is not a bridle made for the horse's sake?

M. IT is so.

B. ARE not saddles, girdings and spurs, made for horses!

M. THEY are.

B. NOW if there were no horse, there should be no use of such things.

M. NONE at all.

B. A horse is then better than all these.

M. WHY not?

B. WHY?

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B. WHY? a horse; for what use is he desired?

M. FOR very many uses, and first of all for obtaining victory in war.

B. WE therefore do esteem the victory to be of more worth than horses, arms, and other things, which are prepared for the use of war.

M. OF more worth indeed it is.

B. WHAT did men especially regard in creating a King?

M. THE peoples good, as I suppose.

B. BUT would there be no need of Kings, if there were no societies of men?

M. NONE at all.

B. THE people then is better than the King.

M. IT must needs be so.

B. IF the people be better, they are also greater. When a King then is called to judgment before a people, the lesser is called into judgment before the greater.

M. BUT when shall we hope for that happiness, that the whole people agree unto that which is right.

B. THAT indeed is scarce to be hoped for. And to expect it, is certainly needless: otherwise a law could neither be made, nor a Magistrate created. For neither is almost any law alike to all, nor is there almost any man in that popular favour, so as to have no man either an enemy to him, or envious

ous or slanderer of him; this now is desired, that the law be useful for the greatest part, and that the greatest part have a good opinion of him that is to be chosen. What if the greatest part of the people may enjoyn a law to be made, and create a Magistrate, what doth hinder, but that they also may judge him, and appoint Judges over him? Or if the Tribunes of the people of *Rome*, and the *Lacedemonian Ephori* were sought to modify the power of Magistracy, should it seem unjust to any man, if a free people, either upon the like or different account, did foresee their own good in suppressing the bitterness of Tyranny?

M. Now I seem almost to perceive what a people can do: But it is a matter of difficulty to judge what they will do, or appoint to be done. For the greatest part almost doth require old and usual customs, and hateth novelty, which the rather is to be admired, seeing there is so great an inconsistency in meat, apparel, buildings, and in all household furniture.

B. Do not think that these things are spoken by me, that I would have any new thing in this kind to be done, but that I might shew you it hath been of old, that a King should answer in judgment before Judges, which you did believe to be almost incredible, or at least a novelty. For to pass over, how often it hath been done by our
U *Ancestors,*

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Ancestors, as partly before we have said, and you may also easily collect from History; did you never hear of those who contended for the Kingdom to have appealed to *Arbiters*?

M. I have indeed heard it to have been sometimes done amongst the *Persians*.

B. AND our writers affirm, that the same was done by *Grimas* and *Milcolumbus*: But lest you alledge that that kind of *Arbiters* were wont to be assumed by the contenders own consent, let us come to the ordinary Judges.

M. HERE I am afraid you may as far prevail, as if a man should spread nets in the sea to catch whales.

B. WHY so, I pray you?

M. BECAUSE all apprehending, restraint and punishment, is carried on by the more powerful against the weaker. But before what Judges will you command a King to compar? Before them over whom he hath the supream power to judge? Whom he can compeesse by this one word, *I forbid*.

B. WHAT if some greater power be found which hath that right, privilege, or jurisdiction over Kings, which Kings have over others?

M. I desire to hear that.

B. WE told you, if you remember, that this power is in the people.

M. IN

M. IN the whole people indeed, or in the greatest part thereof. I also yield thus further, that it is in those to whom the people, or the greatest part of them shall transmit that power.

B. YOU do well, in holding in my pains.

M. BUT you know that the greatest part of the people is corrupted, either through fear or reward, or through some hope of a bribe and impunity, so as they prefer their own benefit and pleasures or lusts to the publick utility, and also safety. Now there are very few who are not hereby moved, according to that of the Poet. Good people are indeed rare, scarce so many in number as there be gates in *Thebes*, or issues of the River *Nilus*. Now all the rest being a naughty rabble, fatted with blood and rapine, enjoy their venial liberty, and envy the liberty of others. Now that I may pass from those with whom the name of wicked Kings also is sacred. I also omit those, who, albeit they are not ignorant what is lawful, and just or right, yet prefer a quiet slothfulness to honest hazards, and hesitating in their minds do frame their consultations on the expectation of the event; or follow the good fortune of either party, but not the cause. How great this multitude will be, you see.

B. GREAT indeed; but yet not very great: For the wrong of *Tyrants* may reach many, but their good deeds very few. For

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the avarice of the vulgar is insatiable, as a fire is the more vehemently kindled by adding fewel thereto : But what is by force taken away from many, doth rather increase the hunger of some few, than satiate their lust. And further, the fidelity of such men for the most part is unstable. As saith the Poet, *Fidelity doth stand and fall with fortune*. But if they would also continue firm in their judgment, they should not be accounted in the number of good subjects, for they are the violators, or rather betrayers of humane society : Which vice, if not sufferable in a King, is far less tolerable in a private person. Who then are to be accounted the right subjects ? They who give obedience to the laws, maintain and defend humane society, who rather undergo all pains and labours, and all hazards for common safety, than spend their time sluggishly in idleness, void of all honesty ? Who set before their eyes, not their present enjoyments, but the remembrance of eternity. But if there be any whom fear and self-interest recall from hazards, yet the splendour of some notable achievement, and the beauty of vertue will raise up dejected minds : And those who dare not be authors or leaders, will not decline to become associates. If therefore subjects be reckoned, not by number, but by dignity and worth, not only the better part, but also the greater part will stand for their liberty,

liberty, honesty and safety. But if the whole common people dissent, this says nothing to our present debate; for we demand not what is to be done, but what may lawfully be done. But now let us come to the ordinary judicial sentences.

M. THAT I just now look for.

B. IF any private man contend that his inheritance, or some part of his land is unjustly detained by the King, what do you think should this private man do? shall he pass from his land, because he cannot set a judge over the King?

M. NOT at all, but he may command not the King, but his proxy to compear in judgment.

B. NOW see what strength that refuge hath whereof you make use. For it is all one to me, whether the King compear, or his proxy, or advocate, for both ways, the liti-contestation will redound to the King's loss; the damage or gain will redound to him, not to his advocate, by the event of the sentence. In end he is found guilty, that is, he whose cause is agitate. Now I would have you consider not only how absurd it is, but also unjust to pass sentence against a King for a petty inheritance for lights in a house, or for ease droppings thereof, and no sentence to be past for parricide, witchcraft, or treason. To make use of the severity of the Law in lesser matters, and the greatest licence and im-

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punishment to be permitted in the greatest crimes. So that that old proverb seems plainly true, Laws are very like spiders webs, which hold flies fast, but let bigger beasts pass thro', nor is that complaint and indignation of some just, who say that it is neither honest nor equitable, that judgment should pass against a King, by a man of an inferiour rank, seeing they see it received and admitted in debate about money or land; and the greatest Peers next to the King for the most part compear before the Judges, who are inferiour to them in riches, nobility, and valour. And not much above the vulgar rank; and far more below the guilty, than the greatest Peers are below Kings. Nor yet for all this do these noble men, or Peers think it any derogation to their dignity. Now if we shall once admit this, that no man can be sifted before a Judge, unless the Judge be every way superiour to the person arraigned, the inferiour rank must attend and wait on until the King either please, or be at leisure, to cognosce concerning the guilty Noble man; but what if their complaint be not only unjust, but also false? For no man coming before a Judge doth come before an inferiour person, especially seeing so great an honour is by God himself conferred upon the order of Judges, that he calleth them not only Kings, but also Gods, and as much as can be, doth communicate to them his own dignity. There-
fore

fore those *Roman* Popes, who did graciously indulge Kings to kiss their feet, who did send for honours sake to such as came to meet them, their mules, who did tread upon the necks of Emperours, being called to answer in Judgment, did obey, and being compelled by Judges renounced their Popedom. *John* the twenty second being from flight brought back, was thrust into prison, and scarce at last relieved by money, and submitted to him that was put into his place, and therefore he did approve the sentence of the Judges. What did the Synod of *Basile*? did it not appoint and ordain by the common consent of all the members thereof, that the Pope is subject to the council of Priests. Now these Fathers were perswaded upon what account they did so, which you may find out of the Acts of these councils. Kings then who confess the Majesty of Popes to be so far above them, as that it doth over-shadow them all with the top of its celsitude, I know not how they think therein their dignity to be diminished, wherein the Pope did not think he was disparaged to descend from so high a throne, namely to stand to the judgment and sentence of the Cardinals; hereby you may see how false their complaint is, who disdain to be arraigned at the bar of an inferiour Judge, for it is not *Titius*, *Sempronius*, or *Stichus* that doth in a judiciary way condemn and assoil, but the law, to which Kings

should yeild obedience. The most famous Emperours *Theodosius* and *Valentianus* accounted honourable. I shall here set down their own words, because they deserve the memory of all ages. It is (say they) a word well befeeming the Majesty of a King to confess he is a Prince tied to the Laws. And we declare that it is more to submit a principality to the laws, than to enjoy an Empire. And what we now declare by this our edict, we will not suffer to be infringed. These things the very best Princes judged right, and by law established, and some of the worst see the same. For *Nero* being appparelled in the drefs of harpers, is said to have not only observed their carriage and motions, but also when it came to be judged who had done best, that he stood solicitous betwixt hope and fear for the victory. For albeit, he knew he would be declared victor, yet he thought the victory would be the more honest, if he should obtain it, not by the flattery of the judges, but by due debate; and he thought the observation of the law did contribute not for the dimnuition of his authority, but for the splendor of the victory.

M. YOUR discourse, I perceive, is not so insolent, as at first I took it, when you said, you would have Kings obedient to the laws; for it is not so much founded upon the authority of Philosophers, as of Kings, Emperours and Councils of the Church.

M. BUT

M. BUT I do not well understand that you say, it is not man but the law that judgeth.

B. CALL to mind what was said a little before : did we not say, that the voice of the King, and of the law, is the same ?

M. WE did so.

B. WHAT the voice of the Clerk, and *Herault* is, when the law is published ?

M. THE very same.

B. BUT which of the two hath the authority from the other, whether the judge from the law, or the law from the judge ?

M. THE judge from the law.

B. THE strength of the sentence is then from the law, and the pronounciation of the words of the law is alone the judges.

M. IT seems so.

B. YEA, there is nothing more certain, for the sentences of judges pronounced according to the law are ratified, else they are rescinded.

M. THERE is nothing more true than that.

B. YOU see then that the judges authority is from the law, and not the laws authority from the judge.

M. I see it is so.

B. THE low and mean condition of him that proclaimeth the law doth not diminish the dignity thereof, but the dignity of the laws

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laws is still the same, whether the King, a Judge, or an *Herauld* proclaim it.

M. IT is so indeed.

B. THE law then being once established, is first the voice of the King, and then of others.

M. IT is so.

B. WHILST then the King is condemned by a judge, he seems to be condemned by the law.

M. THAT is very clear.

B. IF by the law, then he is condemned by his own voice, as seems, no less than if it were written with his own hand.

B. WHY then do we so much weary ourselves concerning a judge, seeing we have the King's own confession, that is to say, the law? Let us also consider this, which is but presently come into my mind. When a King in what cause soever doth sit in judgment as a judge, should he not lay aside the person of all others, and to have no respect to brother, kinsman, friend or foe, but retain only the person of a judge?

M. HE ought so to do.

B. OUGHT he not to remember that person only, whose proper act it is he is about?

M. I would have you tell me that more clearly.

B. TAKE

B. TAKE heed then ; when any man doth secretly take away another man's goods, what do we say he hath done ?

M. I think, he hath stoln them.

B. How do you call him for this deed ?

M. A Thief.

B. How do you say he hath done ? Who makes use of his neighbours Wife, as his own.

M. WE say he hath committed adultery.

B. How shall we call him ?

M. A N adulterer.

B. How do we call him that judgeth ?

M. A judge.

B. To others also after this manner from the actions they are about, names may be rightly given.

M. THEY may.

B. WHEN a King then is to pass a sentence, he is to lay aside all other persons.

M. INDEED he should, especially those that may prejudice either of the parties in judging.

B. How do you call him against whom the sentence is past, from that act of judgment.

M. WE may call him guilty.

B. AND it is not equitable that a judge lay aside such persons as may prejudice the sentence ?

M. CERTAINLY he should, if so be such persons be more regarded than the
cause ;

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cause; yet such persons pertain not to a judge. Seeing God will have no respect to be had to the poor in judgment.

B. IF then any man, who is a painter, or a Grammarian, debate before a judge concerning the art of painting against a painter, he is not a Grammarian, for the science of Grammar should not herein avail him.

M. NOTHING at all.

B. NOR the art of painting avail the other, if the debate be concerning Grammar.

M. NOT a white more.

B. A judge then in judgment must acknowledge but one name, to wit, of the crime, or guilt, whereof the adversary or plaintiff doth accuse his party or defendant to be guilty.

M. NO more.

B. WHAT if a King be guilty of parricide, hath he the name of a King, and whatever doth belong to a judge?

M. NOTHING at all, but only of a parricide, for he cometh not into controversie concerning his Kingdom, but concerning his parricide.

B. WHAT if two parricides be called to answer in judgment, the one a King, and the other a poor fellow, shall not there be a like way of procedure by the judge of both?

M. THE very same with both, so that I think that of *Lucan* is no less true than elegantly spoken. *Viz.* *Cæsar* was both my leader

leader and fellow in passing over the *Rhine*. Whom a malefice doth make guilty, it maketh alike.

B. TRUE indeed. The process then is not here carried on against a King and a poor man, but against their parricides; for then the process should be led on concerning the King, if it should be asked which of the two ought to be King: Or if it come into question, whether *Hiero* be King or a *Tyrant*, or if any other thing come into question, which doth properly belong to the King's function. Even as if the sentence be concerning a painter, when it is demanded, hath he skill in the art of painting?

M. WHAT if a King will not willingly compear, nor by force can be compelled to compear.

B. THEN the case is common with him as with all other flagitious persons. For no Thief or warlock will willingly compear before a judge to be judged. But I suppose, you know, what the law doth permit, namely to kill any way a thief stealing by night, and also to kill him if he defend himself when stealing by day. But if he cannot be drawn to compear to answer but by force, you remember what is usually done. For we pursue by force and arms, such robbers as are more powerful than that by law they can be reached. Nor is there almost any other cause of all the warres betwixt Nations, People, and Kings,

Kings, than those injuries which, whilst they cannot be determind by justice, are by arms decided.

M. AGAINST enemies indeed for these causes warres use to be carried on, but the case is far otherwise with Kings, to whom by a most sacred oath interposed we are bound to give obedience.

B. WE are indeed bound; but they do first promise that they shall rule in equity and justice.

M. IT is so.

B. THERE is then a mutual paction betwixt the King and his Subjects.

M. IT seems so.

B. DO TH not he who first recedes from what is covenanted, and doth contrary to what he hath covenanted to do, break the contract and covenant?

M. HE doth.

B. THE bond then being loos'd, which did hold fast the King with the people, what ever privilege or right did belong to him, by that agreement and covenant, who looseth the same, I suppose is lost.

M. IT is lost.

B. HE then with whom the covenant was made becometh as free as ever he was before the stipulation.

M. HE doth clearly enjoy the same privilege, and the same liberty.

B. Now

B. Now if a King do those things which are directly for the dissolution of society, for the continuance whereof he was created, how do we call him?

M. A *Tyrant*, I suppose.

B. Now a *Tyrant* hath not only no just authority over a people, but is also their enemy.

M. He is indeed an enemy.

B. Is there not a just and lawful war with an enemy, for grievous and intolerable injuries?

M. It is, forsooth, a just war.

B. What war is that which is carried on with him who is the enemy of all mankind, that is, a *Tyrant*?

M. A most just war.

B. Now a lawful war being once undertaken with an enemy, and for a just cause, it is lawful, not only for the whole people to kill that enemy, but for every one of them.

M. I confess that.

B. May not every one out of the whole multitude of mankind assault, with all the calamities of war, a *Tyrant* who is a publick enemy, with whom all good men have a perpetual warfare.

M. I perceive all Nations almost to have been of that opinion. For *Thebe* is usually commended for killing her husband, *Timoleon* for killing his brother, and *Cassius* for killing

killing his son ; and *Fulvius* for killing his own son going to *Catiline*, and *Brutus* for killing his own sons and kinsmen, having understood they had conspired to introduce Tyranny again : And publick rewards were appointed to be given, and honours appointed by several Cities of *Greece* to those that should kill Tyrants. So that (as is before said) they thought there was no bond of humanity to be kept with Tyrants. But why do I collect the assent of some single persons, since I can produce the testimony almost of the whole world : For who doth not sharply rebuke *Domitius Corbulo*, for neglecting the safety of mankind, who did not thrust *Nero* out of his Empire, when he might very easily have done it ? And not only was he by the *Romans* reprehended, but by *Tyridates* the *Persian* King, being not at all afraid, lest it should afterward befall an example unto himself. But the minds of most wicked men enraged with cruelty are not so void of this publick hatred against Tyrants, but that sometimes it breaketh out in them against their will, and forceth them to stand amazed with terrour at the sight of such a just and lawful deed. When the Ministers of *Caius Caligula*, a most cruel Tyrant, were with the like cruelty tumultuating for the slaughter of their Lord and Master, and required those that had killed him to be punished, now and then crying
aloud

aloud, Who had killed the Emperour? *Valerius Asiaticus*, one of the Senators, standing in an eminent high place, from whence he might be heard, cryed out aloud, *I wish I had killed him.* At which word these tumultuary persons, void of all humanity, stood as it were astonished, and so forbore any more to cry out tumultuously. For there is so great force in an honest deed, that the very lightest shew thereof being presented to the minds of men, the most violent assaults are allayed, and fierce fury doth languish, and madness nill it will it doth acknowledge the sovereignty of reason. Neither are they of another judgment, who with their loud cries mix heaven and earth together. Now this we do easily understand either from hence, that they do reprehend what now is done, but do commend and approve the same seemingly more atrocious, when they are recorded in an old History; and thereby do evidently demonstrate, that they are more obsequious to their own particular affections, than moved by any publick damage. But why do we seek a more certain witness what Tyrants do deserve, than their own conscience? Thence is that perpetual fear from all, and chiefly from good men: And they do constantly see hanging above their own necks the sword which they hold still drawn against others; and by their own hatred against others, they

measure other mens minds against them. But contrarywise, good men, by fearing no man, do often procure their own hazard, whilst they weigh the good will of others towards them, not from the vicious nature of men, but from their own desert towards others.

B. YOU do then judge that to be true, that Tyrants are to be reckoned in the number of the most cruel brute beasts; and that tyrannical violence is more unnatural than poverty, sickness, death, and other miseries which may befall men naturally.

M. INDEED when I do ponder the weight of your reasons, I cannot deny but these things are true: But whilst hazards and inconveniences do occur, which follow on the back of this opinion, my mind, as it were tyed up with a bridle, doth instantly, I know not how, fail me, and bendeth from that too stoical and severe right way, towards utility, and almost falleth away: For if it shall be lawful for any man to kill a Tyrant, see how great a gap you do open for wicked men to commit any mischief, and how great hazard you create to good men: To wicked men you permit licentiousness, and lets out upon all the perturbation of all things: For he that shall kill a good King, or at least none of the worst, may he not pretend by his wicked deed some shew of honest and lawful duty? Or if any good subject shall in vain attempt to
kill

kill a Prince worthy of all punishment, or accomplish what he intended to do, how great a confusion of all things do you suppose must needs follow thereupon? Whilst the wicked do tumultuate, raging that their head and leader is taken away from them; neither will all good men approve the deed; nor will all those that do approve the deed, defend the doer and author of their liberty against a wicked crew. And many under an honest pretext of peace will veil their own laziness, or rather calumniate the virtue of others, than confess their own slothfulness. Surely this remembrance of self-interest, and excuse of leaving the publick cause, and the fear of dangers, if it doth not break the courage, yet it weakneth the same, and compelleth it to prefer tranquillity, albeit not very sure, to an uncertain expectation of liberty.

B. IF you well remember what is before spoken, this your fear will be easily discussed. For we told you that there be some Tyrannies allowed by the free suffrages of a people, which we do honour with royal titles, because of the moderate administration. No man, with my will, shall put violent hand on any such, nor yet on any of those, who even by force or fraud have acquired sovereignty, providing they use a moderate way in their Government: Such amongst the *Romans* were *Vespasianus*, *Titus*, *Per-*
X 2 *tinax*;

tinax; *Alexander* amongst the *Grecians*, and *Hiero* in *Syracusa*. Who albeit they obtained the Government by force and arms, yet by their justice and equity deserved to be reckoned amongst just Kings: Besides, I do only shew what may be lawfully done, or ought to be done in this case; but do not exhort to attempt any such thing. For in the first a due consideration of the case, and a clear explanation thereof is sufficient: But in the last there is need of good counsel in undertaking, of prudence in assaulting, and courage in acting. Now seeing these things are either promoted or overturned by the circumstances of time, person, place, and other instruments in carrying on the business: If any shall rashly attempt this, the blame of his fault can be no more imputed to me, than his fault to a Physician, who hath duly prescribed the remedies of diseases, but were given by another to the patient unseasonably.

M. ONE thing seems yet to be wanting to put an end to this dispute; which if you shall add, I shall think I have received a very singular kindness of you. The matter is this: Let me understand, if there be any Church censures against Tyrants?

B. YOU may take it when you please out of the first Epistle of *Paul* to the *Corinthians*, where the Apostle doth forbid to have any fellowship either at meat or discourse

course with openly lewd and flagitious men. If this were observed amongst Christians, such lewd men, unless they did repent, might perish by hunger, cold and nakedness.

M. A grievous sentence indeed that is. But I do not know if a people, that allow so much liberty every way to their Rulers, will believe that Kings should be punished after this manner.

B. SURELY the ancient Ecclesiastick writers without exception did thus understand that sentence of *Paul*. For *Ambrose* did hold out of the Assembly of the Christians *Theodosius* the Emperour, and *Theodosius* obeyed the said Bishop: And, for what I know, antiquity doth more highly extol the deed of no other so much, nor is the modesty of any other Emperour more commended. But to our purpose: What difference is there betwixt the exclusion out of christian fellowship, and the interdiction from fire and water? This last is a most grievous sentence imposed by Rulers against such as refuse to obey their commands; and the former is a sentence of churchmen. Now the punishment of the contempt of both authorities is death; but the secular Judge denounceth the death of the body, the Ecclesiastick Judge denounceth the destruction of the whole man. Therefore the Church will not account him worthy of death, whom it doth expel out of the fel-

lowship of Christians, while he is alive ; and banisheth him into the fellowship of Devils, when dead. Thus, according to the equity of the cause, I think I have spoken abundantly ; if therewith any foreigners be displeased, I desire they would consider how unjustly they deal with us. For whilst there be many Nations both great and wealthy in *Europe*, having all their own peculiar laws, they deal arrogantly who would prescribe to all that model and form of Government which they themselves enjoy. The *Helvetians* Government is a Commonwealth. *Germany* useth the name or title of Empire, as a lawful Government. Some Cities in *Germany* (as I am informed) are under the rule of Princes. The *Venetians* have a Seignory tempered of these. *Muscovia* hath a very Tyranny instead of Government. We have indeed but a little Kingdom, but we have enjoy'd it these two thousand years free of the Empire of foreign Nations. We did create at first lawful Kings ; we did impose upon ourselves and them equal and just laws ; the long continuance of time doth shew they were useful : For more by the observation thereof, than by force of arms, hath this Kingdom stood intire hitherto. Now what iniquity is this, that we should desire either to abrogate or neglect the laws, the good whereof we have found by experience for so many ages ? Or what impudence is that

that in others, that whereas they cannot scarce defend their own Government, endeavour to weaken the state and good order of another Kingdom? What! are not our laws and statutes useful, not only to ourselves, but also to our neighbours? For what can be more useful for keeping peace with our nearest neighbours, than the moderation of Kings? For from immoderate lust unjust wars are for the most part rashly undertaken, wickedly prosecuted and carried on, and shamefully with much disgrace left off. And further, what more hurtful can there be to any Commonwealth, than bad laws amongst their nearest neighbours, whereof the contagion doth usually spread far and wide? And why do they thus trouble us only, seeing so many Nations round about have their severall laws and statutes of their own, and no Nation hath altogether the same laws and statutes as others about them have? And why are they now offended at us, seeing we make no new law, but continue to observe what we had by an ancient priviledge? And seeing we are not the only persons, nor the first persons, nor yet is it at this time that we make use of our laws. But our laws are displeasing to some: Perhaps their own laws displease them also. We do not curiously enquire what the laws of other Nations are. Let them leave us our own, well known by the experience of so

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many years. Do we trouble their Councils? Or in what business do we molest them? But you are seditious, say they. I could freely give them an answer: What is that to them? We are tumultuous at our own peril, and at our own damage. I might enumerate a great many seditions, that are not hurtful either to Commonwealths or Kingdoms. But I shall not make use of that defence. I deny any Nation to be less seditious than we. I deny that any Nation hath ever been more moderate in seditions than we. Many contentions have fallen out for laws, and right of Government, and administration of the Kingdom; yet the main business hath been still kept safe. Our contentions never were, as amongst many others, with the destruction of the people, nor with the hatred of our Princes; but only out of love to our own country, and desire to maintain our laws. How often in our time have great armies stood in opposition to one another? How oft have they retired and withdrawn from one another, not only without wound, but without any harm, yea without so much as a reproach? How often hath the publick utility settled the private grudges? How often hath the rumour of the enemies approach extinguished our intestine hatred and animosity? In all our seditions we have not been more modest than fortunate; seeing for the most part, the party
most

most just hath been always most fortunate : And even as we have moderately vented our hatred, so have we to our profit and advantage condescended to an agreement. These things at present do occur, which might seem to compesce the speeches of the malevolents ; refute such as are more pertinacious ; and may satisfy such as are of a more temperate disposition. But by what right other Nations are governed, I thought it not much to our purpose. I have briefly rehearsed our own way and custom ; but yet more amply than I intended, or than the matter did require, because I undertook this pains for you only. And if it be approved by you, I have enough.

M. As for me, you have abundantly satisfied me : But if I can satisfy others also, I shall think I have received much good by your discourse, and my self eased of very much trouble.





THE
Stoick KING:
 FROM
SENeca.



EITHER imperial Fur, nor purple
 Robes,
 Nor Scepters, Diadems, and golden
 Globes,

Nor royal Mantles can a Monarch frame ;
 But he, and only he, deserves the Name :
 In whom Ambition ne'er can claim a part,
 Fear from his Soul, and malice from his Heart ;
 Whom the inconstant Crow'd cou'd never
 move,

With short-liv'd Praises, or decaying Love ;
 Who ne'er was tempted by the shining Oar,
 Which *Tagus* casts upon the golden shore :
 Or by the yellow Harvest, which the Fields,
 Of fruitful *Lybia* to the Lab'rer yield :

Whose

Whose constant Courage, and whose steady
Mind,

Was never shaken by the blustering Wind,
Or daunted at the angry Thunder's Roar,
Or Billows dashing on the rocky Shore ;
Who ne'er was frightned at the brandish'd
Spear,

Or well aim'd Javelin whistling thro' the Air ;
Who by indulgent Fortune rais'd on high,
Can Death and threatning Dangers fearless spy.
Tho' to oppose him, all the Princes joyn,
Who rule from *Ganges* to the *German* Rhine,
Or who inhabit all the space of Land,
From *Indian's* Shore, to *Russia's* frozen Strand ;
Tho' he attacks Him, who shall dare to stem,
And cross the *Danube's* swift resistless Stream ;
So strong the Empire, of a quiet SOUL,
Whom Conscience does not check, nor Rage
controul.

It scorns the feeble use of Pikes and Darts,
Of battering Rams, and other warlike Arts.
He is a KING, in whose undaunted Breast,
Fear never was admitted as a Guest.
In every Place, the just and willing MIND.
Can such a glorious peaceful KINGDOM find.



Whole constant Courage and whole Mind
Was never broken by the blinding Wind
Of danger at the angry Thunder's Roar
Of billows dashing on the rocky shore
Who never was frightened at the brandish'd
Spear
Or well arm'd Javelin whistling thro' the Air
Who by indulgent Fortune rais'd on high
Can Death and threatening Dangers scorn
Tho' so opposite they, all the Princes join
Who rule from Ganges to the Chinese Rhine
Or who inhabit all the face of Land
From India's Shore to Russia's frozen Strand
Tho' he attacks him, who shall dare to fight
And cross the Ocean's wide untravell'd Stream
So strong the Empire, of a quiet Sea
Whom Conscience does not check, nor Fate
control
It seems the feeble life of Pikes and Darts
Of battering Rains and other windy Arts
He is a King, in whole undaunted breast
Fear never was admitted as a Guest
In every Place, the just and willing Mind
Can such a glorious peaceful Kingdom find



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